

The FDA now regulates e-cigarettes. Should it? Will regulation improve public health? Will it cost American lives? Please join us for a lunchtime debate.

Where: Athletic Club of Columbus

When: High noon on January 12, 2017

Arguing for the Resolution:

Jonathan H. Adler

Johan Verheij Memorial Professor of Law
Case Western Reserve University School of
Law

Arguing Against the Resolution:

Micah Berman

Assistant Professor of Public Health and Law
The Ohio State University Moritz College of
Law

Moderating:

Robert Alt

President and Chief Executive Officer
The Buckeye Institute

The cost is \$20 (\$15 if you already paid Columbus Lawyers Chapter dues for the 2016-2017 program year, and \$5 for students). Lunch is included. R.S.V.P. by *January 10* to guarantee your seat, meal, and pre-printed nametag. Call Ben Flowers at (614) 281-3647 or email ColumbusFedSoc@Gmail.com with any questions. To join or renew your dues for the Columbus Lawyers Chapter, please pay the dues through the Eventbrite website or bring a

check for an additional \$25 payable to the
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registration by*

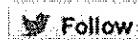
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From: Public Policy Law360
Sent: Thursday, January 5, 2017 5:35 AM
To: Rep93
Subject: GOP Import Tax May Be Doomed To Fail



Thursday, January 5, 2017



TOP NEWS

Analysis

GOP Import Tax May Be Doomed To Fail

President-elect Donald Trump's recent tweets threatening import taxes on U.S. companies that manufacture their products overseas has raised the ire of retail groups, and experts say the proposal may violate international treaties while ultimately failing to achieve the stated goal of creating domestic jobs.

VP-Elect Pence Promises Executive Action On Day One

President-elect Donald Trump will start rolling back President Barack Obama's executive actions on a variety of issues on Inauguration Day, Vice President-elect Mike Pence said Wednesday.

Analysis

Trump's Wall Street Ally Pick Signals Enforcement-Light SEC

President-elect Donald Trump's selection of Sullivan & Cromwell LLP partner Jay Clayton to chair the U.S. Securities and Exchange Commission signals a major shift for the Wall Street watchdog, as experts say the M&A attorney is likely to turn the agency's focus from

LAW FIRMS

Allen & Overy
Carter Ledyard
Cleary Gottlieb
Clifford Chance
Covington & Burling
DAC Beachcroft
Dickinson Wright
Drinker Biddle
Earthjustice
Fennemore Craig
Frost Brown Todd
Gibson Dunn
Herbert Smith Freehills
Hogan Lovells
Jordan Ramis PC
Katten Muchin
Klehr Harrison
Kleinbard LLC
Manatt Phelps
Marino Tortorella
Mayer Brown
McElroy Deutsch
Morrison & Foerster
Priddy Cutler
Remy Moose

enforcement both domestically and internationally to cutting the rules companies find most irksome.

Ex-Christie Aide Weathers GWB Scandal To Win WH Job

A former campaign manager for New Jersey Gov. Chris Christie with whom the governor cut ties amid the George Washington Bridge lane closures fallout has been hired as political director in Donald Trump's impending administration, the U.S. president-elect's transition team said Wednesday.

Fla. Legislative Override Proposed For Judicial Decisions

A Florida state representative has filed a proposed constitutional amendment that would allow the Legislature to override a decision by a state court with a two-thirds majority, a move he said is intended to curb judicial overreach.

House Passes Bill Aimed At Last-Minute Executive Rules

House Republicans on Wednesday voted through a bill aimed at rules passed in the waning days of presidential administrations that could allow Congress to reject en bloc rules passed toward the end of President Barack Obama's presidency.

Senate Leaders Gearing Up For Lasting Fight Over High Court

The U.S. Supreme Court may not be getting a replacement for the late Justice Antonin Scalia anytime soon, as leading Republican and Democratic senators are beginning to tussle over the likelihood of a judge nominated by President-elect Donald Trump being confirmed.

BANKING & SECURITIES

Trump Picks Sullivan & Cromwell Partner To Head SEC

Shearman & Sterling
Spencer Fane
Steptoe & Johnson LLP
Sullivan & Cromwell
The Williford Firm LLC
Willkie Farr
WilmerHale

COMPANIES

Alibaba Group Holdings Ltd.
Ally Financial Inc.
American Cable Association
American Federation of Labor and Congress of Industrial Organizations
American Hospital Association
American Petroleum Institute Inc.
American Society of Civil Engineers
Archer Daniels Midland Co.
Barclays Capital Inc.
Berkshire Hathaway Inc.
Charter Communications Inc.
Chevron Corporation
Comcast Corporation
Competitive Carriers Association
DraftKings Inc.
Exxon Mobil Corporation
FanDuel Inc.
Ford Motor Company
General Motors
Goldman Sachs Group Inc.
Grupo Televisa SAB
Immigrant Legal Resource Center
International Brotherhood of Teamsters
Lehman Brothers Holdings Inc.
Moelis & Co.
MoneyGram International, Inc.
NASDAQ OMX Group Inc.

President-elect Donald Trump will nominate Sullivan & Cromwell LLP partner Jay Clayton, a mergers and acquisitions partner with experience in Foreign Corrupt Practices Act enforcement, to replace Mary Jo White as chair of the U.S. Securities and Exchange Commission, Trump's transition team announced Wednesday.

Bill To 'Audit the Fed' Relaunched As Trump Admin. Nears

Republican lawmakers on Wednesday reintroduced legislation that would allow greater scrutiny of the Federal Reserve's monetary policies, reflecting optimism that previously stymied efforts would gain greater traction under a Donald Trump administration.

China IPOs Expected To Jump This Year After Wobbly 2016

Assuming more stable market conditions hold, China is expected to generate a spike in initial public offerings in 2017, according to a report Tuesday by PricewaterhouseCoopers, driven by more homeland listings plus additional Hong Kong issuances now that both markets are better linked.

MoneyGram Wants Out Of States' Unclaimed Property Fight

MoneyGram Payment Systems Inc. has asked the U.S. Supreme Court to keep it out of a dispute between Delaware and several other states on who gets to keep abandoned MoneyGram checks, arguing that it has no legal interest in the case and its involvement could raise constitutional issues.

ENERGY & ENVIRONMENTAL

Builders Can't Skirt Water Permit Regs, Wash. High Court Says

The Supreme Court of Washington has sided with environmentalists and state agencies in a fight with developers over stormwater permit rules, saying the rules can be applied to

NBCUniversal Inc.
National Telephone Cooperative Association
Natural Resources Defense Council
New York City Bar Association
New York University
PricewaterhouseCoopers
Public Company Accounting Oversight Board
Time Warner Cable
Turner Broadcasting System Inc.
Valeo SA
Washington Post Co.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
California Natural Resources Agency
Central Intelligence Agency
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Election Commission
Federal Reserve System
Federal Trade Commission
Florida House of Representatives
Gila River Indian Community
Government Accountability Office
Internal Revenue Service
International Trade Administration
Maryland Attorney General's Office

previously approved projects because they do not fall under land use laws that prevent regulations from being applied retroactively.

Tillerson To Cut Exxon Ties If Confirmed As Sec. Of State

Now-former Exxon Mobil Corp. CEO Rex Tillerson will give up control of hundreds of millions of dollars in stock awards and other compensation perks as part of a deal to sever all ties with his former company if he is confirmed as U.S. secretary of state, ExxonMobil said on Tuesday.

NJ Wind Farm Misses Deadline, Shot At \$40M In DOE Funding

A proposed 24-megawatt wind farm off the coast of Atlantic City, New Jersey, remains dead in the water after the company behind the plan missed a year-end deadline that would've made \$40 million in U.S. Department of Energy funding available for the project, the agency said Wednesday.

Calif. High Court Hears CEQA Row Over Coastal Project

A conservancy group asked the California Supreme Court Wednesday to reverse a lower court's finding that Newport Beach properly approved the building of housing and shops on undeveloped coastland known as the Banning Ranch, arguing the city violated the California Environmental Quality Act by failing to identify sensitive wildlife habitats on the site in its environmental impact report.

EPA Will Review Drilling Waste Regs To Settle Enviros' Suit

The U.S. Environmental Protection Agency has agreed to review and potentially update its oil and gas drilling waste disposal rules to settle a suit brought by environmental groups, a move blasted by a Texas energy regulator Tuesday as unnecessarily trampling over state regulation of drilling waste disposal.

National Economic Council
National Labor Relations Board
New Jersey Legislature
Office of Foreign Assets Control
Port Authority of New York & New Jersey
Salt River Pima-Maricopa Indian Community
Securities and Exchange Commission
Social Security Administration
Tohono O'odham Nation
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Navy
U.S. Office of Personnel Management
U.S. Senate
U.S. Supreme Court

HEALTH & LIFE SCIENCES

Congress Takes First Steps To Repeal Affordable Care Act

Congressional Republicans took the first votes on the path to repealing the Affordable Care Act on Wednesday, as Vice President-elect Mike Pence promised that repeal will be the "first order" of the new administration.

HHS Must Clear Hospital Appeals Backlog, Judge Rules

A D.C. federal judge refused Wednesday to rescind an order requiring the U.S. Department of Health and Human Services to clear a huge backlog of hospital billing claims, despite government assertions that meritless claims will inevitably be paid.

MEDIA & ENTERTAINMENT

Fla. Bill Specifies That Fantasy Sports Are Not Gambling

A bill filed Wednesday in the Florida House of Representatives renews efforts to legalize pay-to-play daily fantasy sports in the state, with the sponsor saying he hopes a simplified approach will lead to passage where proposals introduced in 2016 failed.

Clock Starts On Maryland Daily Fantasy Sports Regulations

Maryland has adopted a series of daily fantasy sports regulations, the state Office of the Comptroller announced Tuesday, becoming the latest state to regulate the industry amid uncertainty over the legality of contests.

PRIVACY

Former Federal Officials Want Probe Into Russia Hacks

A group of prominent former intelligence and foreign policy officials called on Congress on Wednesday to establish an independent

commission to investigate Russian interference in the 2016 presidential election, saying independent study was necessary to properly understand "what we can do to protect our democracy."

TRANSPORTATION & INFRASTRUCTURE

GWB Defendants Ask Court To Toss Novel Convictions

Two people convicted in the George Washington Bridge lane-closing scandal urged a New Jersey federal court Tuesday to toss the guilty verdict based on a recent First Circuit decision, saying that ruling shows courts are reining in such novel uses of federal criminal statutes.

EMPLOYMENT

NLRB Says 6th Circ. Wrong To OK County Right-To-Work Law

The Sixth Circuit wrongly interpreted labor law and broke with about seven decades of legal precedent when it upheld the Hardin County, Kentucky, right-to-work ordinance, the National Labor Relations Board said in a recent amicus brief asking the appellate court to review the decision en banc.

PRIVACY & CONSUMER PROTECTION

White House Revamps Breach Response, Reporting Policies

The White House on Tuesday laid out updated parameters for federal agencies to follow when preparing for and responding to data breaches and for complying with a federal statute that governs the disclosure of the personal information they hold.

GOVERNMENT CONTRACTS

CBO Says Trump's 350-Ship Navy Plan To Cost \$25B Per Year

President-elect Donald Trump's plan for a 350-vessel U.S. Navy could cost around \$25 billion per year, well above the historical average for Navy shipbuilding, and would likely need assistance from Congress, the Congressional Budget Office said in a report Wednesday.

INTERNATIONAL TRADE

With Steel Under Scrutiny, US Keeps Monitoring Tool In Place

The U.S. Department of Commerce will grant a five-year extension to a popular steel import monitoring program, the agency revealed Wednesday, keeping in place a valuable tool for a domestic industry that is fiercely at odds with its overseas competitors.

Small ISPs Ask Pols For Relief From FCC Transparency Rules

Four trade associations representing small cable, broadband and wireless groups asked several lawmakers Tuesday to move forward with legislation to prevent heightened Federal Communications Commission transparency rules from going into effect for small providers, saying their members need certainty.

Azevedo Sees No Opposition In Bid To Remain WTO Chief

Current World Trade Organization Director-General Roberto Azevedo will have no challengers in his effort to secure a second term as the top man in Geneva, the WTO revealed Wednesday.

TAX

Democrats Seek To Block Trump Nominees' Tax Dodges

Four Democratic U.S. senators have reintroduced legislation that would prevent

President-elect Donald Trump's cabinet nominees, several of whom are billionaires, from avoiding millions in taxes when selling assets to comply with ethics rules, according to a Tuesday statement.

Md. Bill Aims To Force Prez Contenders To Reveal Tax Info

Two Maryland Democrats said Tuesday they are introducing a state bill that would require U.S. presidential candidates to release their tax returns to appear on the Maryland ballot, joining other lawmakers in floating legislation as a response to President-elect Donald Trump's refusal to disclose his tax records.

IMMIGRATION

Holder, Covington To Help Calif. Resist Trump Changes

Covington & Burling LLP partner and former U.S. Attorney General Eric H. Holder Jr. will lead the charge in advising the California Legislature on legal challenges from the incoming administration in areas including immigration, health care and the environment, state legislative leaders said Wednesday.

DACA Personal Info Can't Be Used For Deportation, DHS Says

U.S. Department of Homeland Security Secretary Jeh Johnson has told federal lawmakers that the personal information provided by hundreds of thousands of young immigrants in applications for the Deferred Action for Childhood Arrivals program should not be used to deport them except in extreme circumstances.

NATIVE AMERICAN

Ariz. Tribe Asks Judge to Reconsider In Casino Fight

The Tohono O'odham Nation pressed a federal judge on Tuesday to rethink denying its bid for a quick win a suit against the head of Arizona's

gambling department over its right to offer Las Vegas-style gambling near Phoenix, a decision that set the stage for a trial this year.

TELECOMMUNICATIONS

FCC OKs Univision Foreign Ownership Over 25 Percent Limit

The Federal Communications Commission on Tuesday agreed to allow foreign ownership of Univision Holdings Inc. beyond the usual 25 percent limit, permitting business partner Grupo Televisa S.A.B. a larger stake and finding that the ruling won't hurt the public interest.

Obama Renominates Rosenworcel To Second FCC Term

President Barack Obama nominated recently departed Federal Communications Commission Democrat Jessica Rosenworcel to another term on Wednesday, one day after she finished her first term and two weeks before Republican President-elect Donald Trump takes office.

Senators Question Charter, Comcast On Misleading Fees

The top Democrat and Republican on the Senate's Permanent Subcommittee on Investigations said Tuesday that they have sought information from Comcast Corp. and Charter Communications Inc. over confusing bill fees and promotional advertising.

EXPERT ANALYSIS

Key Goals For The Next Secretary Of Transportation

President-elect Trump has stated his intent to nominate Elaine Chao as his secretary of transportation. Chao is the wife of Senate Majority Leader Mitch McConnell, R-Ky., and a consummate Washington insider. To achieve success, she must be a visionary, creative and aggressive leader who will work with a diverse group of stakeholders and hold Congress

accountable in key areas, says Kathryn Thomson of Morrison & Foerster LLP.

Time To Reopen Some DOJ Antitrust Field Offices

President-elect Donald Trump has pledged to spend up to \$1 trillion upgrading America's infrastructure. To help ensure that money is spent free from corruption, the incoming administration should reopen at least two of the four Antitrust Division field offices that were shuttered in January 2013, says Robert Connolly of GeyerGorey LLP.

Small-Employer Relief In Cures Act Includes A Few Hurdles

Tucked at the very end of the recently enacted 21st Century Cures Act is a provision allowing certain small employers to offer their employees a health reimbursement arrangement that need not be "integrated" with a group health plan. Employers should understand, however, that this new vehicle comes with a raft of restrictions, says Kenneth Mason of Spencer Fane LLP.

The Future Of SEC Administrative Proceedings

Last week, the Tenth Circuit in *Bandimere v. U.S. Securities and Exchange Commission* found that the SEC's use of administrative law judges violated the U.S. Constitution. The decision is a significant one, but it may not be the final word, say attorneys with Cleary Gottlieb Steen & Hamilton LLP.

US Sanctions Against Russia: Outlook Under President Trump

President-elect Donald Trump has expressed admiration for Russian President Vladimir Putin, leading many to speculate that Trump's administration may relax U.S. sanctions against Russia. However, Congress has a less favorable view of Russia's role in world affairs,

say Simeon Kriesberg and Jing Zhang of Mayer Brown LLP.

LEGAL INDUSTRY

Same Pay But More Bennies Is The Deal At Many Firms

The legal environment's improved stability spurred more law firms to offer broader benefits packages, while compensation for most jobs at firms remained relatively steady, a new survey found.

Women, Minorities Can't Get Foothold In Firms, Report Says

Women and minorities are still struggling to break through in law firms throughout the country, according to the National Association for Law Placement's annual diversity report, released on Wednesday, with only small gains seen in 2016 among associate and partner ranks.

IP Atty At Herbert Smith Spinoff Charged With Groping Jogger

An Australian lawyer with FPA Patent Attorneys, which maintains an exclusive referral relationship with Herbert Smith Freehills, has been charged with assault after allegedly attacking a female jogger last week in a park near Sydney's North Shore.

Katten Prevails In Del. High Court Charging Lien Appeal

The Delaware high court Tuesday reversed a lower court decision that blocked a Katten Muchin Rosenman LLP charging lien against a \$275,000 fee award that went to a former client for work partially paid for under an hourly fee deal.

Clifford Chance Sees Revenue Rise Amid Euro Business Drop

Despite a revenue dip for Clifford Chance LLP's business in continental Europe in 2016, the global law firm made positive strides elsewhere,

posting a 3 percent bump overall, according to a Jan. 3 financial filing in the U.K.

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From: Heartland Institute: John Nothdurft
Sent: Friday, January 6, 2017 4:23 PM
To: Rep93
Subject: The Leaflet - The Future of Nuclear Energy



The Future of Nuclear Energy

Nuclear Energy Institute President and CEO Marvin Fertel said in a recent interview the administration of President-elect Donald Trump will be "much more positive than negative" for the nuclear industry. Fertel went on to cite Trump's decision to tap Sen. Jeff Sessions (R-AL) as the country's next attorney general, a man he says "has always been a very big supporter of nuclear energy."

Nuclear power is America's largest source of clean-air, carbon-dioxide-free electricity. It produces few, if any, air pollutants or greenhouse-gas emissions. Nuclear power can produce a vast amount of power from a tiny volume of fuel and requires less land than other so-called = 2green-energy sources," such as wind. An average nuclear power plant occupies about one-third of 1 square mile, whereas a wind farm must use up to 200 square miles of land to generate the same amount of power. The nuclear energy industry also has a proven track record of safety.

Scientist James Conca argued in a recent Forbes article 2016 was an active year for the nuclear power industry in the United States and internationally. "Currently, there are 450 nuclear power reactors in operation globally, 98 in the United States ... Sixty new plants are under construction, five in the United States."

However, Conca argues nuclear power faces a difficult battle, because even at a low cost of 5 cents per kilowatt hour (kWh), "They cannot compete with cheap natural gas and wind energy that is subsidized at 2.3¢/kWh. Solar is even more heavily subsidized, usually over 10¢/kWh, but up to 54¢/kWh in some states like Washington."

Michael Shellenberger, the founder and president of Environmental Progress, argues in a recent USA Today article nuclear energy's recent problems (in certain parts of the country) are not because nuclear power is uneconomical. Shellenberger says the issue is they are punished by discriminatory policies that treat one zero-carbon energy option more favorably than another. "In 2013, solar received 281 times more in subsidies per unit of electricity than nuclear, while wind received 17 times more, according to the U.S. Department of Energy's Energy Information Administration. As a result of this perverse incentive, some nuclear plants that produce power at costs lower than the wind subsidy could be forced to close."

Although governments have unfairly favored renewable energy, they shouldn't make the same

mistake with nuclear power by doling out subsidies or mandating the use of nuclear energy. They should instead lift the undue regulations currently placed on the nuclear power industry. This would lead to an expansion of nuclear energy in the United States, which would be beneficial to the environment; economy, and to the stability of the U.S. power grid.

WHAT WE'RE WORKING ON

Budget & Tax

Federal Lawmakers Compile Wish List for Regulatory Rollback
Ben Johnson writes for *Budget & Tax News* congressional Republicans are preparing a wish list for repealing federal regulations they hope President-elect Donald Trump will use when he takes office on January 20. U.S. Rep. Mark Meadows (R-NC) told reporters in December he is sending Trump a 21-page report detailing federal regulations requiring executive action to be rolled back or reviewed. The report lists 232 federal regulations. One suggested-repeal is of a U.S. Department of Labor regulation known as the "overtime rule," which requires business owners to pay all salaried employees receiving less than \$47,476 annually higher wages for time worked above 40 hours per week. [Read more](#)

Education

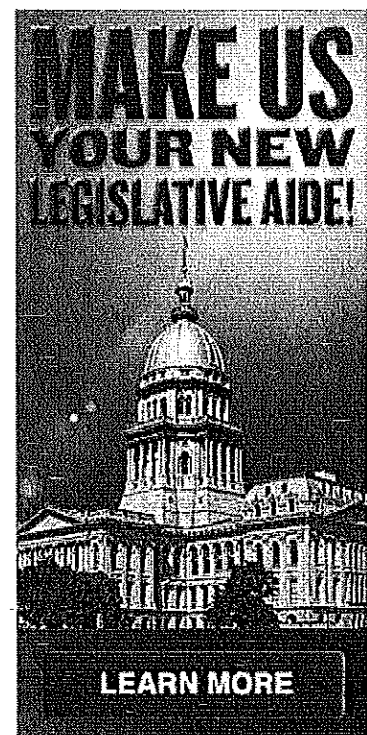
Religious Education Has Benefits Secular Ed Lacks

In this article for *School Reform News*, writer Ashley Bateman highlights a new study from researchers at Rice University and the University of Arkansas titled *Losing My Religion? The Impact of Spiritual Cues on Noncognitive Skills*. The study suggests having students think about religion increases their political tolerance and ability to delay gratification. The researchers randomly assigned 180 secondary students at a public boarding school to an experimental task with religious, secularized, or neutral cues. "Since students were randomly assigned to this religious cue treatment, regardless of personal religious beliefs or family background, our findings suggest that the benefits that religiously educated students experience can likely be attributed in some part to these religious schools," one of the study's authors told Bateman. [Read more](#)

Energy & Environment

Research & Commentary: Nationwide Study Finds Communities Benefit from Fracking

In this *Research & Commentary*, Policy Analyst Tim Benson discusses a new National Bureau of Economic Research study that finds fracking has brought \$64 billion in yearly household benefits to nine shale basins. These benefits include a "a 7 percent increase in average income, driven by rises in wages and royalty payments, a 10 percent increase in employment,



POLICY NEWSPAPER



and a 6 percent increase in housing prices.” The study, conducted by researchers at the University of Chicago, Princeton University, and the Massachusetts Institute of Technology, is the first nationwide study of its kind and “the most comprehensive assessment to date,” according to the authors. [Read more](#)

Health Care

Largest Montana Health Insurer Raises ACA Premiums by 55 Percent

In this article for *Health Care News*, writer Michael McGrady reports the three companies offering individual health insurance plans on Montana’s Obamacare exchange are charging between 31 percent and 55 percent more, on average, for individual insurance plans in 2017 than they did in 2016. For individual plans, the Montana Health Cooperative has increased 2017 premiums by an average of 31 percent and PacificSource has raised premiums by an average of 33 percent, HealthInsurance.org reported in October. Blue Cross and Blue Shield, the state’s largest insurer, increased 2017 premiums for individual plans by an average of 55 percent, a slight reduction from the 58 percent average increase the company announced in August 2016. Montana’s average premium increase for individual plans in 2017 exceeds the 25 percent national average premium increase for the “Silver Plan” offered on the Obamacare exchanges, the benchmark plan the U.S. Department of Health and Human Services uses to track insurance prices. [Read more](#)

From Our Free-Market Friends

Mackinac Center for Public Policy Releases New Study: High Cigarette Taxes Lead to More Smuggling

A new study by researchers at the Mackinac Center for Public Policy and the Tax Foundation has found state cigarette excise tax rates continue to encourage tax evasion and avoidance around the country. The study updates previous research by the authors that examined the degree to which cigarettes are smuggled across state borders within the United States, among other unintended consequences. The study finds New York State continues to boast the highest smuggling rate, with 55 percent of cigarettes being consumed there smuggled in from other states. With a \$4.35-per-pack tax, New York has the highest state cigarette taxes (New York City imposes an additional \$1.50-per-pack levy.) Arizona, New Mexico, Washington State, and Minnesota follow New York on the list of states with the highest cigarette excise taxes. [Read more](#)

The January 2017 issue of *Budget & Tax News* reports on the election of Donald Trump, Republicans’ continued control of both houses of Congress ... and what it all might mean for downsizing the federal government. Genevieve Wood, a senior fellow at The Heritage Foundation, gave taxpayers reason for hope: “I think you can expect to see bold reforms, and by that, I mean a real shrinking back and pulling back of the federal government’s power when it comes to taxes, regulations, [and] telling people how to live their everyday lives.”

Health Care News

Environment & Climate News

School Reform News



Heartland Institute

The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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[The Parent Trigger](#)
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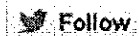
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From: Public Policy Law360
Sent: Monday, January 9, 2017 5:53 AM
To: Rep93
Subject: Trump Taps Ex-Gibson Dunn Atty For Immigration Policy Job



Monday, January 9, 2017



TOP NEWS

Trump Taps Ex-Gibson Dunn Atty For Immigration Policy Job

An ex-Gibson Dunn attorney and former staffer for the presidential campaign of Sen. Ted Cruz, R-Texas, has been picked for a White House job involving regulatory reform and immigration policy, the Trump transition team announced Thursday as it unveiled a slew of Domestic Policy Council appointments.

Chevron Doctrine Repeal Teed Up For House Vote

The House of Representatives will vote next week to overturn the Supreme Court's longstanding Chevron doctrine, which defers to government agency legal interpretations, as part of a larger campaign to pull back on federal rulemaking powers.

Analysis

4 Changes EEOC May Face Under Trump

While the U.S. Equal Employment Opportunity Commission has not been at the forefront of President-elect Donald Trump's agenda to this point, the commission could soon face alterations to its strategic plan and budget cuts once the new administration and Republican-controlled Congress are in place. Here, Law360

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Cozen O'Connor
Davis & Gilbert
Dentons
Dorsey & Whitney
Dovel & Luner
Epstein Becker Green
Fish & Richardson
Foley & Lardner
Fox Rothschild
Gardere Wynne Sewell
Gibson Dunn
Greenberg Traurig
Hangley Aronchick
Hogan Lovells
Holland & Knight

examines four potential changes that could befall the agency in the coming years.

Lawmakers, Experts Lay Out Cybersecurity Plan For Trump

A cyber policy task force including a bipartisan pair of federal lawmakers has urged the incoming Trump administration to step up efforts to fight cybercrime and prevent cyberattacks, including by strengthening the U.S. Department of Homeland Security's oversight over cybersecurity.

Trump Picks Ex-Indiana Sen. For Intelligence Chief

Retired Sen. Dan Coats, R-Ind., has been tapped by Donald Trump to serve as the national intelligence director amid sparring between the president-elect and the U.S. intelligence community over Russian interference in the 2016 election.

Analysis

Obama's Fight Against Climate Change Is His Energy Legacy

From sweeping domestic regulations such as the Clean Power Plan to major international deals to reduce greenhouse gas emissions, outgoing President Barack Obama's efforts to combat climate change are the centerpiece of his energy policy legacy, and experts say that legacy that will be difficult for President-elect Donald J. Trump to completely unwind.

Analysis

5 FCA Issues To Watch As Trump Takes Power

The intense False Claims Act enforcement that played out during President Barack Obama's tenure will likely continue during the Trump administration, but the plaintiffs bar may have to carry a bit more weight, experts say. Here are five key issues to watch.

Intel Brief Says Putin Ordered Election Hacks To Aid Trump

Hueston Hennigan

Katten Muchin

Kirkland & Ellis

Kline & Specter

Kobre & Kim

Latham & Watkins

Littler Mendelson

Lynch Cox

Manatt Phelps

Marten Law

Mayer Brown

McDermott Will

Morgan Lewis

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Pierce Atwood

Quinn Emanuel

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Seyfarth Shaw

Shaheen & Gordon

Shearman & Sterling

Sidley Austin

Siebman Burg

Silverstein & Pomerantz

Skadden

Snell & Wilmer

Squire Patton Boggs

Strasburger & Price

Sullivan & Cromwell

Sullivan & Worcester

Vinson & Elkins

Waller Lansden

White and Williams

Wiley Rein

WilmerHale

COMPANIES

Amazon.com Inc.

A U.S. intelligence report made public Friday pins the impetus for Russian interference with the recent U.S. election directly on Russian President Vladimir Putin, saying he had ordered an "influence campaign" intended to help President-elect Donald Trump win the White House.

BANKING & SECURITIES

SEC Judge Says 10th Circ. Ruling Doesn't Warrant Dismissal

An administrative law judge at the U.S. Securities and Exchange Commission refused Thursday to disqualify himself from or dismiss outright the case of a Kansas man who wanted his proceeding dropped after a recent Tenth Circuit decision saying the hiring — rather than appointment — of ALJs violates the Constitution.

US Chamber Protests Posed Commodities Rules For Banks

The U.S. Chamber of Commerce on Thursday protested a proposed U.S. Federal Reserve rule change tightening the regulations for commodity ownership by banks, saying the agency is overstating the risks and underestimating the economic impact.

ENERGY & ENVIRONMENTAL

Long-Shot Bill Would Ban West Coast Offshore Drilling

A group of six West Coast Democratic senators announced the introduction of the West Coast Ocean Protection Act on Thursday, a bill aimed at permanently prohibiting drilling off America's Pacific Coast, although the plan would have to be approved by a Republican-led Congress and an incoming administration that has pledged support for fossil fuels.

Fed. Gov't Nixes Airgun Seismic Survey Permits In Atlantic

American Bar Association
American Beverage Association
American Cable Association
American Civil Liberties Union
Apple Inc.
Associated Press
Baker Hughes Inc.
CTIA
Center for Strategic and International Studies
Chevron Corporation
Citigroup Inc.
Domino's Pizza, Inc.
Eli Lilly and Company
Facebook
FirstEnergy Corp
General Electric Capital Corp.
General Electric Company
Google Inc.
HSBC Holdings PLC
IMS Health Inc.
International Business Machines Corporation
Ion Geophysical Corporation
JPMorgan Chase & Co.
Kirkland's, Inc.
Marriott International Inc.
Microsoft Corporation
Morgan Stanley
NJ Transit Corp.
National Association of Broadcasters
National Federation of Independent Business
Natural Resources Defense Council
New England Council
New York Times Co.
New York University

The Bureau of Ocean Energy Management on Friday denied six permit applications to conduct airgun seismic surveys off the Atlantic coast, saying there's less need for oil and gas exploration since President Barack Obama removed the area from a five-year oil and gas leasing program.

Gov't Greenlights Emissions Fix For Some VW Diesel Cars

The U.S. Environmental Protection Agency and the California Air Resources Board on Friday announced their approval of a technical modification to a limited number of newer Volkswagen diesel cars found to be skirting emissions standards that will drastically cut the current emissions from the cars.

NJ Ratepayer Advocate Blasts Proposed \$111M Utility Project

The New Jersey Division of Rate Counsel on Friday offered a sharp critique of a FirstEnergy Corp. unit's proposed 10-mile transmission line, questioning the need for the \$111 million project and whether other alternatives have been fully considered.

Fla., Ga. Ordered To Try To Settle Water-Use Dispute

A U.S. Supreme Court-appointed special master on Tuesday ordered Florida and Georgia to the bargaining table to try to hammer out a settlement in their dispute over water from the Apalachicola-Chattahoochee-Flint river basins.

Idaho Loses Protest Over Sage Grouse Habitat Plan

A Washington, D.C., federal judge on Thursday tossed Idaho's challenge to the U.S. Department of Interior and Department of Agriculture's plan to protect the greater sage grouse in the state, ruling Gov. Butch Otter failed to identify an injury that would give him grounds to sue.

Newegg Inc.
North American Electric Reliability Corp.
Overstock.com Inc.
PJM Interconnection LLC
Petroleum Geo-Services
Pfizer Inc.
Public Knowledge
Rockwell Automation Inc.
San Francisco Bar Association
Schlumberger Limited
Snap Inc.
State Bar of California
State Farm
Stepan Co.
T-Mobile USA Inc.
TechFreedom
The Boeing Company
The DIRECTV Group, Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
U.S. Renal Care Inc.
Universal Health Services Inc.
Volkswagen
Wal-Mart Stores Inc.
Washington Post Co.
Wayfair LLC
Wells Fargo & Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Labor Statistics
Bureau of Ocean Energy Management
California Attorney General's Office

EPA Floats Rule On Toxic Chemical Reporting For Gas Plants

The U.S. Environmental Protection Agency on Friday proposed a rule that would require natural gas processing facilities to publicly disclose more information on chemical releases and other waste management activities.

Enviros' Bull Trout Suit Should Be Tossed, Judge Says

A magistrate judge on Thursday recommended granting the U.S. Fish and Wildlife Service's bid to dismiss a complaint alleging it hasn't done enough to protect the bull trout's cold-water habitat from global warming, saying the court lacked jurisdiction because the plan in question doesn't qualify as a final agency action.

HEALTH & LIFE SCIENCES

Justices Urged To Clarify Standard For Restricting Speech

A group of chiropractors looking to overturn a Kentucky anti-solicitation law that prevents them from alerting car accident victims that they're entitled to free medical benefits has asked the U.S. Supreme Court to decide when content-based restrictions are subject to heightened scrutiny.

CMS Extends Ban On 6 States' Ambulance, Home Health Cos.

The Centers for Medicare and Medicaid Services on Friday again expanded a temporary ban on nonemergency ambulance suppliers and home health care agencies in six states from enrolling in Medicare and Medicaid for six months, saying the prohibition has helped fight fraud and abuse.

DOJ Subpoenas DaVita, Fresenius Over Dialysis Aid Program

DaVita Inc. and Fresenius Medical Care have been subpoenaed by the U.S. Attorney's Office in Boston regarding an arrangement in which their charitable donations fund dialysis

California Environmental Protection Agency
Central Intelligence Agency
Commodity Futures Trading Commission
Dallas Fort Worth International Airport
Delaware Court of Chancery
Department of Commerce
Energy Information Administration
Equal Employment Opportunity Commission
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Florida Department of Environmental Protection
Food and Drug Administration
Idaho Legislature
Immigration and Customs Enforcement
Internal Revenue Service
International Monetary Fund
Miami International Airport
Michigan Department of Treasury
NATO
National Aeronautics and Space Administration
National Economic Council
National Highway Traffic Safety Administration
National Labor Relations Board
National Security Agency
National Security Council

treatment for patients, the companies said Friday, the same day they sued the government over a rule change affecting patient insurance coverage.

IP & TECHNOLOGY

Giving Pfizer Rebate Info To Lawmakers Legal, Texas Says

The Texas Health and Human Services Commission on Friday told a Texas federal court that it didn't violate any laws by providing Pfizer Inc.'s drug pricing and rebate information to two state legislators because the public information act provides explicit exceptions for lawmakers.

TRANSPORTATION & INFRASTRUCTURE

FAA Chief Says Drone Flight-Over-People Rule Still In Works

The Federal Aviation Administration chief said Friday that the agency is still ironing out privacy and security concerns before it can finalize proposed regulations allowing the commercial use of small unmanned aircraft systems, or drones, over people for the first time.

NYC Cab Driver Asks High Court To Hear GPS Tracking Case

A New York City taxi driver wants the U.S. Supreme Court to decide on whether drivers tracked via GPS devices in their cabs have Fourth Amendment rights when they didn't own the vehicles at the time the tracking devices were installed, saying that circuit courts have made conflicting rulings on the issue.

REAL ESTATE

Calif. Town Didn't Disclose Wal-Mart-Funded Election

A California appeals court on Thursday partially affirmed a lower court's ruling that found a town council failed to properly notify the public that it

New Jersey Board of Public Utilities

New York Division of Homeland Security & Emergency Services

New York State Department of Financial Services

Office of Federal Procurement Policy

Office of Foreign Assets Control

Office of the Comptroller of the Currency

Securities and Exchange Commission

Standing Rock Sioux Tribe

Texas Health and Human Services Commission

U.S. Army

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

Wyoming Legislature

was voting on Wal-Mart Stores Inc.'s offer to pay more than \$700,000 to fund a vote on a proposed 30-acre commercial development that included a Wal-Mart Supercenter

EMPLOYMENT

Kentucky Right-To-Work Bill On Fast Track After House Vote

The Kentucky House of Representatives on Thursday passed a right-to-work bill, putting it on a fast track that could see the proposal become law over the weekend.

PRIVACY & CONSUMER PROTECTION

NY Gov. Calls For Tougher Cybercrime Laws, Response Team

New York Gov. Andrew Cuomo on Friday unveiled a series of legislative priorities and other reforms designed to protect government agencies and citizens from cybercrime, including a proposal to strengthen hacking and identity theft laws as well as the creation of a cyber incident response team for the state.

NH Asks Supreme Court To Reinstate Voting Booth Selfie Ban

New Hampshire's secretary of state has asked the U.S. Supreme Court to reinstate its voting booth selfie ban, saying that the First Circuit erred in finding that the law violated the First Amendment.

IMDb Seeks To Bar Calif. AG From Enforcing Privacy Law

Online movie database IMDb.com asked a California federal judge Thursday to keep the state's attorney general from enforcing a law that requires online entertainment employment boards to remove the ages of film industry people from profiles, saying its constitutional rights will be violated unless the court intervenes.

GOVERNMENT CONTRACTS

Debriefings Don't Lead To More Protests, Agencies Told

The Office of Federal Procurement Policy issued a memo Thursday urging federal agencies to improve the debriefings they give to government contract bidders, saying commonly raised concerns such as debriefings' leading to bid protests are largely incorrect.

Reps Ask Contractor For Info On DOD's \$125B Waste Report

House Oversight Committee members on Thursday asked consulting firm McKinsey & Co. to explain its role in a study that identified \$125 billion in savings for the U.S. Department of Defense, which recently surfaced after the Pentagon reportedly buried it due to a fear of losing funding.

INTERNATIONAL TRADE

Trump Beefs Up New Trade Council With 2 Appointments

President-elect Donald Trump on Thursday added two members to his new White House-level trade advisory panel, tapping defense adviser Alexander Gray and former U.S. Chamber of Commerce Vice President Rolf Lundberg to join his team.

TAX

Wyo. Introduces Bill To Fight High Court's Sales Tax Ruling

Wyoming became the latest state to formally fight a controversial U.S. Supreme Court ruling requiring retailers to have a physical presence in a state to collect transaction taxes after it introduced a bill requiring out-of-state vendors to remit these taxes

Tax Group Urges High Court To Review Mich. Tax Deal Spat

A state tax policy advocacy group has joined the slog over Michigan's decision to retroactively withdraw from a multistate tax agreement, upheld by Michigan's high court in June, urging the U.S. Supreme Court to hear the case.

Philly Urges Pa. Justices To Hear Soda Tax Challenge

The Pennsylvania Supreme Court was urged in a petition Friday to assume special jurisdiction over a pending appeal following the dismissal of a lawsuit challenging the city of Philadelphia's new tax on sugar-sweetened drinks and diet soda.

IMMIGRATION

Immigration Bill Roundup: Religion-Based Lists, Work Visas

Members of the 115th Congress introduced a slew of immigration-related bills during the session's first week, including measures that would seek to block any religion-based registry of immigrants and that would amend the eligibility requirements for obtaining work visas.

Trump Says Mexico Will Repay For Wall, But Questions Loom

Speculation over how the U.S. would pay for a possible border wall kicked up again Friday as President-elect Donald Trump claimed Mexico would eventually reimburse the U.S. for the southern barrier, although it is far from clear how Mexico would be forced to cough up the funds.

Docs Must Meet US Acclaim Standards For Exam Exemption

To be considered a "physician of national or international renown," a status exempting foreign doctors from the U.S. medical licensing requirement, a doctor's achievements leading to "national renown" must be ones that would warrant such a status in the United States, the

U.S. Citizenship and Immigration Services said this week.

NATIVE AMERICAN

Hoeven, Udall Elected To Top Spots On Senate Indian Panel

Sen. John Hoeven, R-N.D., and Sen. Tom Udall, D-N.M., pledged to work across the aisle to support legislation benefiting Native Americans after they were elected Thursday as the new chairman and vice chairman, respectively, of the Senate Committee on Indian Affairs.

TELECOMMUNICATIONS

Broadcasters Slam Microsoft's Vacant Channel Push

Broadcasters on Friday blasted Microsoft Corp. and others' request that the Federal Communications Commission preserve vacant TV channel space for public use, saying the move is lobbying on behalf of Google Inc. to keep the space free for the tech giant's own unlicensed use.

Cable Group Bashes FCC's 5G Cybersecurity Reporting Rule

NCTA – The Internet & Television Association has urged the Office of Management and Budget to reject a Federal Communications Commission rule to require public cybersecurity plan disclosures under its 5G spectrum proposal, disclosures the trade group says are burdensome and could expose companies to hacking.

Q&A

5 Insights From General Electric's Alex Dimitrief

"Data sovereignty? D is a recent trend with important consequences for GE's future as a digital industrial company. The technical challenges alone are immense. But

compounding those challenges are the growing number of countries considering laws that would impede the flow of data across national borders, says Alex Dimitrief, general counsel of General Electric Co.

EXPERT ANALYSIS

In Congress: Obamacare, The Cabinet

Republican leaders in Congress plan to take the initial steps toward repealing and replacing Obamacare this week, hoping to deliver on the campaign promises made by most Republicans over the past six years and by President-elect Trump during the 2016 election cycle, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

Is Restaurant Menu Labeling On ACA Chopping Block?

The Affordable Care Act contains a number of provisions not ordinarily associated with health care, including nutrition labeling of menu items for chain restaurants and retail food establishments. With the Trump administration working to fulfill its repeal and replace campaign promise, Michael Walsh of Strasburger & Price LLP looks at the current status of the menu labeling rule, its viability and some of its untested challenges.

For US Citizens In Israel, Time To Face Up To FATCA

In accord with the U.S. Foreign Account Tax Compliance Act, Israeli financial institutions must now report their U.S. account holders' personal and financial information to Israeli authorities, who will send that information to the IRS. Accordingly, Americans with substantial assets in Israel must either comply with the law's obligations, or prepare for the consequences of enforcement, say Robert Henoch and Will Rosenzweig of Kobre & Kim LLP.

Initial Reactions To Bank Charter Plan For Fintech Cos.

While many financial technology companies will welcome the decision by the Office of the Comptroller of the Currency to provide fintech companies with the option to become chartered as special-purpose national banks, some banks and state regulators may have some concerns, say attorneys with Latham & Watkins LLP.

Time Is Running Out For Auto Cybersecurity Standards

According to a new report from Billington Cybersecurity, the automotive industry needs to adopt tougher cybersecurity standards for autonomous vehicles. However, at a time when we cannot wait to create a defense, legislation aimed at establishing federal standards to secure automobiles and protect drivers' privacy is failing to pass, says Jonathan Michaels of MLG Automotive Law APLC.

New Water Act Is A 'WIIN' For Infrastructure

Last month, in a strong display of bipartisanship in an otherwise tense post-election political climate, Congress passed the Water Infrastructure Improvements for the Nation Act. The law includes certain provisions that may be of particular interest to private sector entities pursuing investments in the water sector, including investments through public-private partnerships, says Paul Epstein of Shearman & Sterling LLP.

LEGAL INDUSTRY

2 Law Firms Ring In The New Year With Associate Raises

Philadelphia-based Blank Rome LLP is set to join the ranks of law firms that pay associates \$180,000-a-year base salaries, the firm confirmed Friday, while California litigation boutique Dovel & Luner LLP has upped its game with \$200,000 salaries for first-year associates.

Litigation Is Being Diced Up And Doled Out, Paper Says

Clients are increasingly unbundling legal services in an attempt to control costs, doling out bits and pieces of litigation to contract attorneys, alternative legal services providers and others, leaving law firms to grapple with a shifting role in client matters, according to a forthcoming academic paper.

A Map Of Kirkland's Conflict Maze In Turkish Trader Case

The conflict knots around appellate all-star Paul Clement and the Kirkland & Ellis LLP team representing a Turkish trader accused of defrauding megabanks also on the firm's client roster have produced a few unusual proposed solutions. Here are some key points about the Kirkland conflict conundrum.

GC Cheat Sheet: The Hottest Corporate News Of The Week

Google faces a U.S. Department of Labor suit for refusing to hand over employee data, business groups rally against an Federal Trade Commission data leak action, and a Delaware Supreme Court decision gives lawyers more leeway to claim a piece of clients' winnings. Those stories top the corporate legal news you may have missed this past week.

Legal Sector Sees End Of Year Bump With 2,000 New Jobs

The legal sector finished 2016 on a high note, adding 2,000 jobs in December to reach a level not seen since 2013, the jobs report released Friday by the Bureau of Labor Statistics found.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

Law360 Seeks Questions From Law Firm Associates

Is there something you have always wanted to know from a law firm partner's perspective — but were afraid to ask? A new Law360 column may have the answer.

JOBS

Search full listings or advertise your job opening =

Legal Program Director
Riverkeeper, Inc.
Ossining, New York

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From: Republican Liberty Caucus of Ohio

Sent: Monday, January 9, 2017 12:21 PM

To: info@rlcoh.org

Subject: REPUBLICAN LIBERTY CAUCUS OF OHIO SEES OPPORTUNITY IN ELECTION OF TIMKEN TO LEAD ORP

**REPUBLICAN LIBERTY CAUCUS OF OHIO SEES OPPORTUNITY IN
ELECTION OF TIMKEN TO LEAD ORP**

(Columbus, Ohio) January 9, 2017: The Republican Liberty Caucus of Ohio (RLCOH) congratulates Jane Timken in her election as Chairwoman of the Ohio Republican Party.

While many have correctly framed this race between Matt Borges and Jane Timken as a battle between the Kasich and Trump camps, there is much more here than first meets the eye.

Says RLCOH Chairman, Bill Yarbrough, "We were very excited to see Ms. Timken run on a pledge to correct some very specific problems with the ORP and are confident these matters will be addressed.

Specifically, the RLCOH has been vocal about:

- ORP leadership violating its own by-laws in advocating for the defeat of specific Republican candidates for office.
- ORP leadership expressing reluctance to stand for liberty ideals in a party platform like Right to Work, more freedom, less regulation, less taxation, and smaller budgets.
- ORP leadership utilizing party funds for questionable practices.

Ms. Timken appears poised to tackle these issues head-on.

RLCOH Board member Ann Becker cast her vote for Ms. Timken as a State Central Committee member from Butler County. "Jane has the leadership style needed to make the Ohio Republican Party one of the strongest parties in the nation. Her focus on transparency and inclusiveness of differing ideas will help strengthen the relationship between grassroots Republicans and the Party. I am excited to work with her."

-30-

The Republican Liberty Caucus is a 527 voluntary grassroots membership organization dedicated to working within the Republican Party to advance the principles of individual rights,

limited government and free markets. Founded in 1991, it is the oldest continuously-operating organization within the Liberty Republican movement.

More information on the Republican Liberty Caucus of Ohio is available at <http://www.rlcOH.org>. The Republican Liberty- Caucus of Ohio is on Facebook at <http://www.facebook.com/RLCOHIO>, and Twitter at <http://www.twitter.com/rlcOHio>.

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Contact: Mathew Erickson
Republican Liberty Caucus of Ohio
PO Box 486
New Albany, OH 43054

Phone (614) 962-6062
Email: info@rlcOH.org

Website: <http://rlcOH.org>
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Union's language and rhetoric should be rebuffed
by every American teacher

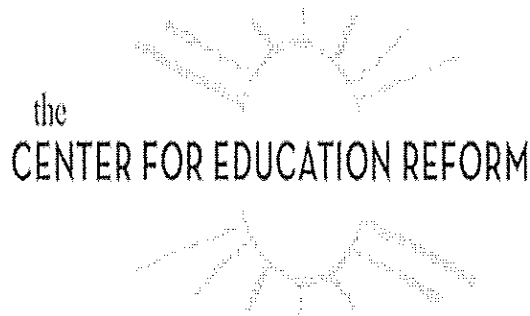
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FOR IMMEDIATE RELEASE

January 9, 2017

CONTACT

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michelle@edreform.com



**Union Attack on DeVos "Outrageous and Contradictory," CER's
Jeanne Allen Says**

WASHINGTON, DC — Today's attack on Education Secretary nominee Betsy DeVos by the president of the American Federation of Teachers was a "partisan rant by the leader of the first national union to endorse the Democratic nominee in the last election, and they lost," said Jeanne Allen, Founder and CEO of the Center for Education Reform.

AFT President Randi Weingarten accused DeVos, who has played a major role in the expansion of charter schools in her home state of Michigan and in dozens of other states, of being "anti-public-education."

"But *charter schools are public schools*, they're just not the kinds of public schools that the AFT likes," Allen said. "For the head of an organization that purports to represent teachers by attempting to create fear among them is outrageous and contradictory. She claims that an agenda that promotes school options is anti-public education. The only

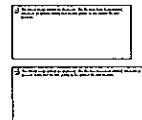
thing anti-public education is those who oppose educating the public in any way that best suits the needs of its students."

"That's what the teachers unions have become — a proverbial straw man against anything except the status quo. Their language and rhetoric should be rebuffed by every American teacher who cares about their classroom and their kids," Allen concluded.

About the Center for Education Reform

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that the conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036



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From: Public Policy Law360
Sent: Tuesday, January 10, 2017 6:03 AM
To: Rep93
Subject: Law360 Names Practice Groups Of The Year



Tuesday, January 10, 2017



TOP NEWS

Law360 Names Practice Groups Of The Year

Law360 congratulates the winners of its 2016 Practice Group of the Year awards, the law firms that racked up victories in litigation and closed the big deals to make their mark among clients and throughout the legal industry.

The Firms That Dominated In 2016

Law360's Firms of the Year rose above the competition in 2016 by earning a combined 20 Practice Group of the Year awards on the strength of work that helped their clients attain game-changing judgments and close record deals.

Analysis

Obama Leaves Behind Mixed Legacy On Bank Regulations

When President Barack Obama exits office this month, he will leave behind a far safer banking system than the one he inherited in 2009, but observers say that for all of the sweeping changes his administration put in place, his legacy on financial regulation will be mixed.

Analysis

Fintech Firms Worry Trump Tax Plan Will Leave Them Behind

LAW FIRMS

Akin Gump
Alston & Bird
Andrews & Springer
Arent Fox
Arnold & Porter Kaye Scholer
Baker & McKenzie
Baker Botts
Bass Berry
Bernstein Litowitz
Beveridge & Diamond
Bird & Bird
Boies Schiller
Bowman and Brooke
Center for Constitutional Litigation
Chadbourne & Parke
Cleary Gottlieb
Cohen Milstein
Cooley
Covington & Burling
Cravath Swaine
Crowell & Moring
DLA Piper
Davis Polk
Davis Wright Tremaine
Dean Ringers

Plans laid out by President-elect Donald Trump and the Republican-led Congress to advance corporate-only tax reform without simultaneously tackling individual income taxes has financial-technology startups and other entrepreneurs worried about staying competitive against larger corporations in 2017.

Analysis

Future Of Wellness Program Regs Murky After Block Denied

New Equal Employment Opportunity Commission rules setting parameters for employer-sponsored wellness programs took effect Jan. 1, days after surviving a preliminary injunction request rooted in worries they threaten worker privacy. The rules' long-term future, however, remains in doubt, as the judge left the door open for a permanent injunction down the road based on the rules' "complex interaction" with various federal laws.

Analysis

How The GOP May Undo Wheeler's Telecom Legacy

Republicans who have long complained of what they call an activist and wrongheaded agenda at Chairman Tom Wheeler's Federal Communications Commission are preparing to take control of Congress and the White House, and experts say they see three ways the GOP may seek to reverse key elements of his legacy.

House OKs Health Care, Sports Medicine Bills

The U.S. House of Representatives passed a series of bills surrounding access to health care Monday, including one meant to ensure sports medicine professionals are properly covered by their medical malpractice insurance while traveling with teams across state lines.

Barring Out-Of-State Attys Is 'Discrimination,' DC Circ. Told

A multidistrict attorney advocacy group urged a D.C. Circuit panel Monday to upend a lower court ruling that left intact an allegedly

Debevoise & Plimpton
Dentons
Dewey & LeBoeuf
Diamond McCarthy
Dorsey & Whitney
Faegre Baker
Fenwick & West
Fish & Richardson
Fried Frank
Frost Brown Todd
Gibson Dunn
Goodwin
Greene Broillet
Hagens Berman
Hilyard Bogan
Hogan Lovells
Hunton & Williams
Irell & Manella
Jackson Lewis
Jenner & Block
Jones Day
Kasowitz Benson
Katten Muchin
Keker & Van Nest
Keller and Heckman
Kelley Drye
King & Spalding
Kirkland & Ellis
Kramer Levin
Labaton Sucharow
Latham & Watkins
Lieff Cabraser
Littler Mendelson
Mayer Brown
McAfee & Taft
McDermott Will
McGuireWoods
McKool Smith

discriminatory rule restricting out-of-state attorneys from practicing in the district without first passing its bar exam, in violation of congressional intent and U.S. Supreme Court precedent.

BANKING & SECURITIES

SEC, Timbervest Disagree Over Due Process, Industry Bars

The U.S. Securities and Exchange Commission and Atlanta-based investment adviser Timbervest LLC filed competing briefs Friday in the D.C. Circuit, disagreeing over whether the agency's in-house court is biased and whether time limits on agency sanctions apply to associational bars.

Paylocity Seeks Del. High Court Fee-Shifting Bylaw Review

Paylocity asked the Delaware Chancery Court late Friday to allow an appeal of its December decision that the First State's ban on fee-shifting bylaws applies to one of the company's rules, arguing the Delaware Supreme Court should review a ruling that will affect all corporations formed in the state.

ENERGY & ENVIRONMENTAL

Congressman To Try Again With Grand Canyon National Bill

A bill to permanently protect an area near the Grand Canyon — which includes sacred Native American cultural sites and ecologically sensitive regions — from new uranium mining was reintroduced by U.S. Rep. Raul Grijalva, D-Ariz., on Friday, who expressed "profound disappointment" in the Obama administration's decision not to establish a national monument there.

NY Nuke Plant Subsidies Flout Feds, Power Coalition Says

Power providers and energy groups challenging New York state's plan to subsidize three

Mets Schiro
Miller & Chevalier
Morgan Lewis
Morrison & Foerster
Morvillo Abramowitz
Nossaman LLP
O'Melveny & Myers
Orrick Herrington
Outten & Golden
Patterson Belknap
Paul Hastings
Paul Weiss
Pillsbury Winthrop
Pirkey Barber
Priddy Cutler
Proskauer Rose
Quinn Emanuel
Reed Smith
Robbins Geller
Rogers & Hardin
Ropes & Gray
Sanford Heisler
Seward & Kissel
Seyfarth Shaw
Shearman & Sterling
Sheppard Mullin
Shook Hardy
Shulman Rogers
Simpson Thacher
Sirote & Permutt
Skadden
Spiegel & McDiarmid
Sprague & Sprague
Squire Patton Boggs
Steptoe & Johnson LLP
Sullivan & Cromwell
Susman Godfrey
Sutherland Asbill

struggling nuclear power plants as part of its clean-energy program said Friday that the state hasn't cited a single case in which a similar program survived a federal preemption and U.S. Constitution commerce clause challenge.

HEALTH & LIFE SCIENCES

Wrongful-Birth Ban Floated In Mississippi Legislature

A Mississippi lawmaker proposed legislation Thursday that would bar "wrongful-birth" damages

IP & TECHNOLOGY

Arent Fox, MWE Attys Among New USPTO Advisory Members

The U.S. Patent and Trademark Office rolled out a slew of new members for its advisory committees on Monday, placing a longtime member from Arent Fox LLP as chair of one group and bringing on-fresh faces from McDermott Will & Emery LLP, Mayer Brown LLP and Jones Day.

TRANSPORTATION & INFRASTRUCTURE

Supreme Court Rejects Flight-Sharing Company's Appeal

The U.S. Supreme Court rejected on Monday Flytenow Inc.'s request to consider an appeals court decision that affirmed the Federal Aviation Administration's determination that pilots who post on its flight-sharing website must have commercial licenses.

Rail Unions Sue Christie, NJ Transit Over Engineer DUI Law

A pair of railroad labor unions filed suit Monday in New Jersey federal court to undo a state law that prohibits New Jersey Transit engineers from operating passenger trains if they have a suspended or revoked driver's license due to a

Troutman Sanders
Venable LLP
Vinson & Elkins
Volkov Law Group LLC
Wachtell Lipton
Weil Gotshal
White & Case
Wiley Rein
Williams & Connolly
WilmerHale
Wilson Sonsini

COMPANIES

AARP Inc.
AT&T Inc.
Alcoa Inc.
America Fujikura Ltd.
American Bankers Association
American Federation of Labor and Congress of Industrial Organizations
American International Group Inc.
Association of Tennis Professionals
Braskem SA
CTIA
Center for Biological Diversity Inc.
Consumer Action
Consumer Federation of America
Consumer Reports
Dell Inc.
Dow Chemical Co.
Dynegy Inc.
E. I. du Pont de Nemours and Company (DuPont)
EMC Corporation
Eide Bailly LLP
Electronic Frontier Foundation
Entergy Corporation
Equifax Inc.

DUI conviction, saying it is preempted by federal law.

EMPLOYMENT

Ky. Gov. Signs Fast-Track Right-To-Work Bill

Kentucky became the 27th so-called right-to-work state on Saturday when Gov. Matt Bevin signed a bill making it illegal to require that workers pay union dues as a condition of employment, four days after it was introduced by a new Republican majority in the Kentucky House of Representatives.

OSHA Injury Reporting Rule, Database Ripped By Chamber

The U.S. Chamber of Commerce and other industry groups are looking to prevent the Occupational Safety and Health Administration from implementing its injury and illness recordkeeping reporting rule, saying the proposed online database violates businesses' First Amendment rights and oversteps OSHA's authority.

NY Aims To Ban Wells Fargo-Styled Scammers From Banking

New York Gov. Andrew Cuomo pitched banning from the banking and insurance industries "bad actors" who commit frauds like Wells Fargo & Co.'s opening of thousands of unauthorized accounts to boost its sales numbers, according to a proposal Sunday from the governor's State of the State address.

NLRA Preempts Ill. Town's Right-To-Work Law, Judge Say

An Illinois town can't enforce a union-weakening "right-to-work" ordinance because it's preempted by federal labor law, an Illinois federal judge ruled on Saturday.

Ex-Pa. Justices Drop Judicial Retirement Age Vote Challenge

Exelon Corporation
Facebook
Fannie Mae
Freddie Mac
Friedman LLP
Google Inc.
Home Depot, Inc.
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
International Union Of Operating Engineers
Kmart Corp.
Liberty Mutual
Lyft Inc.
Microsoft Corporation
NBCUniversal Inc.
NFL Enterprises LLC
NJ Transit Corp.
NRG Energy Inc.
National Association of Home Builders
National Association of Manufacturers
New York Times Co.
Och-Ziff Capital Management Group LLC
Odebrecht SA
Orthofix International N.V.
Public Knowledge
Spokeo Inc.
SunEdison LLC
Talen Energy Corp.
TeliaSonera AB
Teva Pharmaceutical Industries Limited
Timbervest LLC
U.S. Chamber of Commerce
United Brotherhood of Carpenters

The firm representing two former Pennsylvania Supreme Court justices in their fight against what they argued was a misleading ballot referendum to raise the mandatory retirement age for state judges said Friday it would not appeal a recent decision dismissing their challenge.

Unions Cite Ill. Judge's RTW Ruling In Ky. County Appeal

A group of Kentucky unions, including chapters of the AFL-CIO, told the Sixth Circuit on Monday that a recent Illinois federal judge's ruling that struck down a local right-to-work ordinance supports their argument that the appellate court incorrectly upheld a similar ordinance enacted by Hardin County, Kentucky.

PRIVACY & CONSUMER PROTECTION

11th Circ. Won't Revive Privacy Suits Over Fla. Driver Info

The Eleventh Circuit on Monday affirmed the dismissal of a Florida couple's cases against local governments and their workers over allegedly improper access of their personal information through state driver and motor vehicle records, ruling that their claims are time-barred.

5th Circ. Asked To End Block Of Transgender Bathroom Rule

The U.S. government on Friday asked the Fifth Circuit to overturn an injunction blocking an Obama administration rule incorporating gender identity discrimination as part of sex discrimination under Title IX, calling the injunction overbroad and unnecessary.

Sens. To Push For Greater Russia Sanctions After Hacks

Senior senators on the Armed Services Committee plan on introducing bills that would target Russia's financial and energy sectors, in response to the campaign intended on using hacks and other measures to interfere in the

United States Steel Corporation
Verizon Communications
VimpelCom Ltd.
Wal-Mart Stores Inc.
Wells Fargo & Co.
Zimmer Biomet Holdings Inc.

GOVERNMENT AGENCIES

Bureau of Industry and Security
Central Intelligence Agency
Commodity Futures Trading Commission
Commonwealth of Kentucky
Consumer Financial Protection Bureau
Delaware Court of Chancery
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Railroad Administration
Federal Reserve System
Financial Stability Oversight Council
Florida Department of Highway Safety and Motor Vehicles
Food and Drug Administration
Internal Revenue Service
International Trade Administration
Mine Safety and Health Administration
National Institutes of Health
National Labor Relations Board
Navajo Nation

U.S. presidential election, they said over the weekend.

Reps. Reintroduce Widely Supported Email Privacy Act

A pair of D.C. lawmakers on Monday reintroduced federal legislation aimed at barring the government from accessing stored electronic communications held by service providers without a warrant, a proposal which received wide bipartisan support last year but ultimately stalled in the U.S. Senate.

AEROSPACE & DEFENSE

DHS Says Election System Is 'Critical Infrastructure'

U.S. Department of Homeland Security Secretary Jeh Johnson on Friday announced that he was designating the country's election systems as critical infrastructure, saying that the move will make the systems a priority for DHS protection, in the wake of increasingly sophisticated cyberattacks.

Sikorsky, DOD Get 9th Circ. Reversal Of FOIA Document Bid

The Ninth Circuit on Friday reversed a Freedom of Information Act order requiring Sikorsky to hand over defense contracting documents to the American Small Business League, finding that certain information involving the aircraft manufacturer is protected from disclosure to competitors.

INTERNATIONAL TRADE

Feds Revise Export Controls On Spacecraft

The U.S. departments of State and Commerce on Monday issued final rules adjusting export controls on satellites and other similar spacecraft and related equipment, loosening restrictions on exports of certain remote imaging devices, among other changes.

Nuclear Regulatory Commission
Occupational Safety and Health Administration

Office of the Comptroller of the Currency

Securities and Exchange Commission

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of the Interior

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

Commerce To Form Trade Enforcement Advisory Council

The U.S. Department of Commerce is set to establish an advisory council on trade enforcement to make recommendations about how to ensure compliance from trade partners and to enhance the country's commercial competitiveness, according to a notice in the Federal Register set to publish on Tuesday.

US Raps China For Shortcomings In IP, Steel, Antitrust Policy

Nearing the end of its tenure, the Obama administration on Monday gave a stern rebuke to China for its failure to obey a litany of World Trade Organization rules, ripping Beijing for its shortcomings in intellectual property rights enforcement, shady competition laws and protectionist steel policies.

TAX

High Court Snubs Michigan Health Plan Tax Dispute

The U.S. Supreme Court declined Monday to take up Self-Insurance Institute of America Inc.'s challenge to a Michigan tax on health insurance plans, despite having told a lower appeals court in March to reconsider its upholding of the tax.

States Look For Quick Win In Obamacare Medicaid Tax Row

Six states moved for a win in their fight against the Affordable Care Act tax levied on state Medicaid managed care organizations, telling a Texas federal judge on Friday that the fee exceeds the federal government's authority and violates the U.S. Constitution.

NATIVE AMERICAN

NY, Entergy Strike Deal To Close Indian Point Nuke Plant

New York state officials and Entergy Corp. said Monday that they've brokered a deal to shut

down the Indian Point nuclear plant just north of New York City by 2021, ending a lengthy fight over a facility opponents say poses environmental and safety risks to the largest metropolitan area in the U.S.

TELECOMMUNICATIONS

Groups Urge FCC Review Of Wireless Roaming Charges

The Federal Communications Commission should examine the impact of international roaming fees from background data on smartphones to ensure wireless customers aren't being taken advantage of, a group of consumer advocates said Friday.

Blackouts Show Need For Retransmission Reform, FCC Told

The American Television Alliance pushed the Federal Communications Commission on Friday to consider again its rules guiding negotiations between pay-TV providers and broadcasters, saying widespread programming blackouts demonstrate that current rules aren't protecting the public.

FCC Warns TV Stations Over Political Transparency Issues

The Federal Communications Commission on Friday reprimanded several TV stations for failing to follow requirements designed to ensure transparency about political advertising in 2014 and 2016, clarifying its rules and declining to pursue enforcement but also warning of possible future action.

EXPERT ANALYSIS

FCPA Predictions For 2017

Everyone is predicting major changes in the U.S. Department of Justice's Foreign Corrupt Practices Act enforcement. I do not share this view. Frankly, FCPA enforcement is more bipartisan than other controversial enforcement programs, and the DOJ's FCPA program is very

profitable, says Michael Volkov, CEO of The Volkov Law Group LLC and a former federal prosecutor.

An Unwelcome Gift From The IRS On Conservation Easements

Just before Christmas, the IRS issued Notice 2017-10, declaring some conservation easement donations to be "listed transactions," and giving a chill to year-end giving plans. The agency's move was arbitrary and ham-fisted, made without opportunity for constructive comment, and endangers this vital conservation funding mechanism, say Ronald Levitt and David Wooldridge of Sirote & Permutt PC.

Easing The Process For Requesting Experimental Drugs

The 21st Century Cures Act passed last month includes a key provision that will require pharmaceutical companies to publicly provide policies for evaluating experimental drugs requests. This law ensures that seriously ill patients in search of their last hope will at least know how to contact pharmaceutical companies, say Ross Galin and Aaron Shapiro of O'Melveny & Myers LLP.

LEGAL INDUSTRY

Firm Leaders Tepid On Economy But Expect Growth, Citi Finds

Law firm leaders have a tepid outlook on the strength of the U.S. economy and the health of the legal industry for the first half of 2017, according to a Monday report from Citi Private Bank, but remain more cautious about what to expect on a global scale.

Clerks Might Not Get Coffee, But Can Sway Justices: Study

Justices of the U.S. Supreme Court may seem like a group making decisions that can alter the legal and political landscape all on their own, but justices are often influenced in the way they

vote on cases by their clerks, according to a recent study by several legal scholars.

Dewey Judge Seeks DA Input On Cooperator Deal Testimony

The New York state judge overseeing the upcoming retrial of two former Dewey & LeBoeuf LLP executives on Monday gave prosecutors until the end of the week to respond to a defense motion seeking to grill the government's star witness about the circumstances that led him to get a new plea deal in exchange for his ongoing cooperation.

Alleged Law Firm Hackers Hit With SEC Injunction

A New York federal judge on Monday granted a request by the U.S. Securities and Exchange Commission for a preliminary injunction and asset freeze against four Chinese hackers accused of reaping \$4 million in illegal profits using insider information about pending corporate deals hacked from the computer systems of two top New York law firms.

Supreme Court Won't Review Calif., NJ Admission Restrictions

An advocacy group dedicated to breaking down jurisdictional practice barriers for lawyers lost on Monday the final round of challenges to rules in California and New Jersey on out-of-state attorneys.

Howrey Trustee Aims To Collect From 2 More Ex-Partners

Howrey LLP's trustee filed two new cases against former partners of the long-defunct firm over unpaid tax obligations, claiming in a pair of adversary proceedings Monday that the European partners had skipped out on their payments and contractual obligations.

JOBS

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Legal Program Director
Riverkeeper, Inc.
Ossining, New York

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Another example of the extremes to which unions
will go to prevent education opportunity

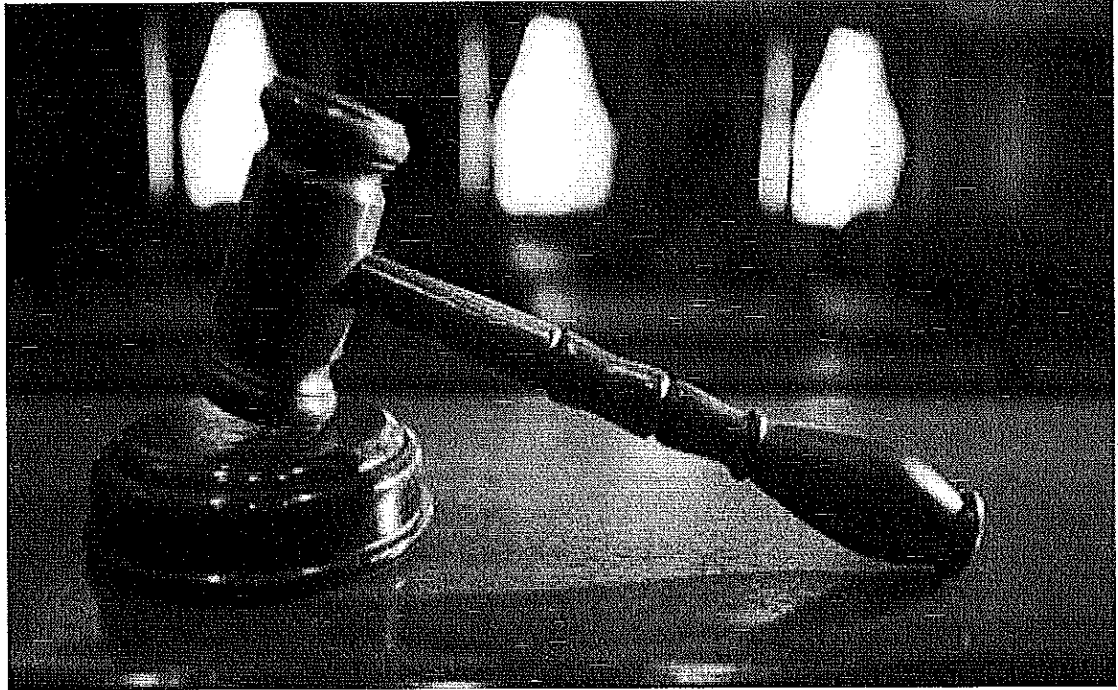
No Images? [Click here](#)

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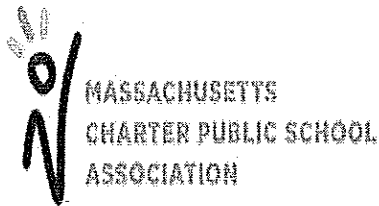
the
CENTER FOR EDUCATION REFORM

*A weekly report on education news and commentary you won't find anywhere else — spiced with a dash
of irreverence — from the nation's leading voice in school reform.*

BAYOU CHARTER TROUBLE. Yesterday the Louisiana First Circuit Court of Appeal ruled – ridiculously in error of course – that the funding component for charter schools approved by the state (Type 2, they call them) is unconstitutional. The lawsuit was of course brought to you by the teachers union, and is yet another indication of the extremes to which they will go to prevent parents from choosing the schools that will do the best job of educating their children. [More here.](#)



MA CHARTER HYPROCRISY? Though 70 charter schools in Massachusetts have benefitted from the foundational work of people in other states who paved the way for their own law, the leadership of their association has oddly penned a letter to their US Senator, Elizabeth Warren, claiming that their concerns about Michigan's charter schools – unfounded – bring them concern about the nomination of Betsy DeVos, a Michigander, as Trump's Education Secretary. It's mind-boggling that those in the business of education opportunity don't support opportunities of ALL modalities for students – and even sadder that they're upholding misconceptions about Michigan's charter school sector as truth.



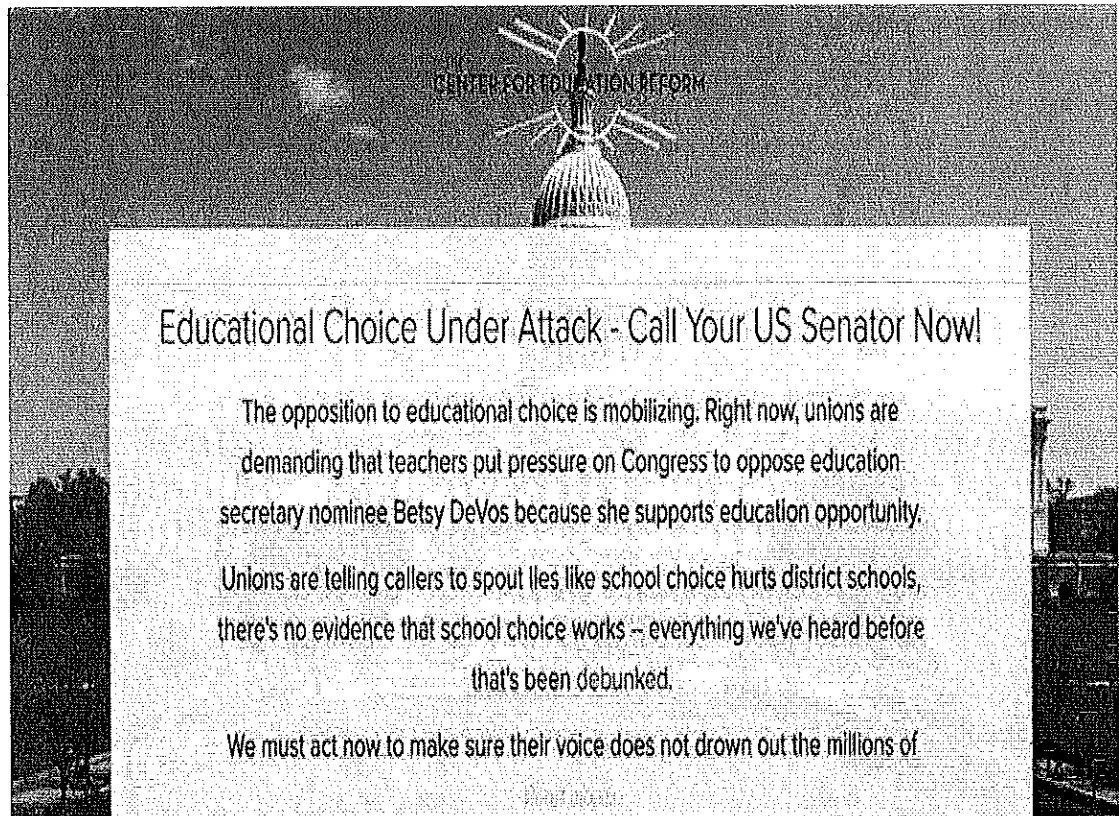
January 9, 2017

Honorable Elizabeth Warren, United States Senator for Massachusetts
2400 JFK Federal Building
15 New Sudbury Street
Boston, MA 02203

Dear Senator Warren,

As the Association representing the 70 Massachusetts commonwealth charter public schools, we are writing to express our concerns over the nomination of Elisabeth DeVos as U.S.

SPEAKING OF DEVOS. US Education Secretary nominee Betsy DeVos' confirmation hearing has been moved to January 17th at 5pm "at request of Senate leadership to accommodate Senate schedule," according to HELP Committee chair Senator Lamar Alexander. That means more days ahead of "outrageous and contradictory" rhetoric from those in the business of maintaining the status quo. Offender #1, of course, being the AFT, with President Randi Weingarten giving a speech yesterday at the National Press Club designed to scare teachers into calling their US Senators to spout off lies about DeVos' record and educational choice. EdReformers are fighting back — call your US Senator so lies do not outweigh the truth about education opportunity.



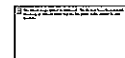
FIRST 100 DAYS. Tomorrow the Center will unveil an agenda for federal action that lays out a model at the federal level for education innovation and opportunity. Watch your inbox!



CHOICE IN RURAL USA. Speaking of falsehoods, there's an all too common myth that educational opportunity isn't relevant to rural families and communities. Joe Nathan, senior fellow at the Center for School Change, points out why that's just wrong.



The mission of the Center for Education Reform (CER) is to expand educational opportunities that lead to improved economic outcomes for all Americans, particularly our youth, ensuring that the conditions are ripe for innovation, freedom and flexibility throughout U.S. education.



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From: Alex Kelly
Sent: Wednesday, January 11, 2017 11:55 AM
To: Rep93
Subject: Kentucky Lawmakers Introduce Public, Private School Choice Programs

[View this email in your browser](#)



January 11, 2017

Dear Ryan,

Kentucky legislators filed several groundbreaking bills last week to empower families with greater educational choices.

House Bill 103 - *sponsored by Rep. Phil Moffett*

HB 103 would allow local school districts, the state and others to approve and oversee high-quality public charter schools, creating innovative educational options for families across the Bluegrass State. Kentucky is one of just seven states that has yet to authorize charter schools, which have been providing rigorous, accountable public education to millions of students nationwide for more than 20 years.

House Bill 162 – *sponsored by House Education Chair Bam Carney*

Senate Bill 102 – *sponsored by Sen. Ralph Alvarado*

HB 162 and SB 102 would establish an income tax credit for individuals and businesses that donate to qualified scholarship-granting organizations (SGOs). The SGOs award scholarships to students with special needs or from low- or middle-income families, giving them the ability to attend the private school of their choice

and to pursue new educational opportunities that best meet their unique learning needs.

Americans for Prosperity Kentucky, the Bluegrass Institute, EdChoice Kentucky, the Kentucky Chamber of Commerce and the Kentucky Pastors in Action Coalition have been instrumental in encouraging the state's elected leaders to expand school choice options.

We commend Chairman Carney, Sen. Alvarado and Rep. Moffett for their leadership in proposing this important legislation and anticipate further action on these bills when lawmakers reconvene in early February.

You can learn more about how scholarship tax-credit programs and charter schools benefit Kentucky families by visiting [EdChoice Kentucky](#) and the [Kentucky Charter Schools Project](#), respectively.

Sincerely,



J. Alex Kelly
National Legislative Director
ExcelinEd in Action



We recently updated our email distribution system
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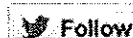
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You are receiving this email because of your commitment to advancing education reform policies.
ExcellinEd in Action, P.O. Box 10691, Tallahassee, FL 32302

From: Public Policy Law360
Sent: Thursday, January 12, 2017 5:46 AM
To: Rep93
Subject: House Passes Bill Ending Chevron Deference



Thursday, January 12, 2017



TOP NEWS

House Passes Bill Ending Chevron Deference

The U.S. House of Representatives passed a package of bills Wednesday aimed at regulatory agencies, which included ending the doctrine of judicial deference to agency legal interpretations, over Democratic objections the law would grind rulemaking to a halt.

Trump Says Supreme Court Pick Coming Soon

President-elect Donald Trump said during his press conference Wednesday that he plans to put forward his pick for the long-empty ninth seat on the U.S. Supreme Court within two weeks of taking office.

Sessions Hints Yates Memo, Fraud To Stay On DOJ Radar

U.S. attorney general nominee Jeff Sessions suggested Tuesday that his Department of Justice would follow the Yates Memo's mandate to pursue individuals in corporate cases as well as continue a record-breaking False Claims Act enforcement streak under the new administration.

Analysis

LAW FIRMS

Alston & Bird
Andrews Kurth Kenyon
Baker & McKenzie
Balch & Bingham
Bingham McCutchen
Brown Rudnick
Cooper & Kirk
Cooper Levenson
DLA Piper
Debevoise & Plimpton
Deutsch Kerrigan
Dewey & LeBoeuf
Dilworth Paxson
Duane Morris
Faegre Baker
Fish & Richardson
Fisher Phillips
Goodwin
Harris Wiltshire
Hogan Lovells
Holland & Knight
Jackson Lewis
Jones Walker
Katten Muchin
Kenyon & Kenyon

What To Watch For At Mattis' Defense Secretary Hearing

James Mattis, President-elect Donald Trump's pick for secretary of defense, will face Congress on Thursday. Here's a primer on where Mattis has stood on various issues, what he is likely to be asked, and what obstacles may stand in the way of his confirmation.

Analysis

4 Obama Tax Policies At Risk Under The GOP's Tax Plan

The U.S. Treasury Department churned out a number of regulations toward the end of President Barack Obama's term, but some of those policies now face near-certain death under the incoming Trump administration because they are deemed too controversial or will become obsolete under the Republicans' sweeping tax proposals.

Sen. Booker, Rep. John Lewis Blast Sessions AG Nomination

Sen. Cory Booker, along with several African-American congressmen, railed against the nomination of Sen. Jeff Sessions for attorney general Wednesday, claiming he would move the country back toward a "darker period in our nation's history" on several issues, including civil and LGBT rights.

Analysis

Carson= 2s Slim Housing Credentials To Be Confirmation Focus

Dr. Ben Carson will face a barrage of questions Thursday on topics ranging from his views on anti-discrimination enforcement to the basics of running a government agency with a multibillion-dollar budget at his confirmation hearing to lead the U.S. Department of Housing and Urban Development.

Analysis

Right-To-Work Battle Heating Up Early In 2017

With Kentucky becoming the 27th state to join the right-to-work ranks, other states and

King & Spalding
King & Wood Mallesons
Lawyers' Committee for Civil Rights

Levy Ratner
McDermott Will

Morgan Lewis

Novak Druce

Perkins Coie

Pillsbury Winthrop

Polsinelli

Proskauer Rose

Sanford Heisler

Sedgwick LLP

Seyfarth Shaw

Siebman Burg

Simpson Thacher

Skadden

Squire Patton Boggs

Stroock & Stroock

Sutherland Asbill

Vinson & Elkins

Weil Gotshal

Whitfield & Eddy

Wilkinson Barker

COMPANIES

AT&T Inc.

America Fujikura Ltd.

American Bar Association

American Cable Association

American Federation of Labor and Congress of Industrial Organizations

Apple Inc.

Bank of America Corporation

BuzzFeed Inc.

CTIA

Chevron Corporation

municipalities likely to join soon and the possibility of a U.S. Supreme Court fight over local-level laws on the horizon, attorneys say right-to-work is one area of labor law to watch closely.

Analysis

Top 3 Groups Lobbying The FCC

Lobbying activity on major controversial issues at the Federal Communications Commission has slowed as the changeover to a new administration continues, but experts say these months of transition are also a formative time for the industry to make its case before staff and commissioners.

BigLaw Attys, GCs Oppose Sessions As Attorney General

Lawyers from Weil Gotshal & Manges LLP and Sutherland Asbill & Brennan LLP, a former federal judge and 100-plus other attorneys and general counsel have told lawmakers that Sen. Jeff Sessions should not be confirmed as U.S. attorney general because his record suggests he would neglect civil rights laws.

BANKING & SECURITIES

House Again Passes Angel Investors Bill To Help Startups

The U.S. House of Representatives again passed a bill Tuesday designed to make it easier for angel investors to fund startups, after a version of the bill that passed last year died in the U.S. Senate.

SEC Cost-Benefit Review Bill Advances In House

The U.S. House of Representatives voted Wednesday to consider a bill requiring the U.S. Securities and Exchange Commission to apply cost-benefit analyses before moving forward with regulations, a measure that was applauded by securities industry lobbyists.

ENERGY & ENVIRONMENTAL

CohnReznick LLP
Competitive Carriers Association
Continental Resources, Inc.
Court of Arbitration for Sport
Deutsche Bank AG
Devon Energy Corporation
Dow Chemical Co.
Exxon Mobil Corporation
Federalist Society
Ford Motor Company
Gartner Inc.
General Dynamics Corporation
General Mills Inc.
Google Inc.
HSBC Holdings PLC
Home Depot, Inc.
International Association of Defense Counsel
International Association of Machinists and Aerospace Workers
International Business Machines Corporation
JPMorgan Chase & Co.
Lawyers' Committee for Civil Rights Under Law
Lockheed Martin
Mayo Foundation for Medical Education and Research
Media General Inc.
Murray Energy Corp.
National Association of Broadcasters
National Collegiate Athletic Association
National Hockey League
National Public Radio Inc.
National Telephone Cooperative Association
Nexstar Broadcasting Group, Inc.

Jewell Confident That Many Obama Energy Regs Can Stick

President-elect Donald J. Trump and congressional Republicans have vowed to roll back regulations crafted late in the Obama administration they see as hampering fossil fuel development, but moves like permanent offshore drilling bans in the Arctic Ocean likely have staying power, U.S. Secretary of the Interior Sally Jewell said Wednesday.

BLM Floats Plan To Reform Federal Coal Program

The U.S. Bureau of Land Management on Wednesday released a plan to modernize the federal coal program, saying the current system doesn't align with current priorities such as mitigating climate change.

Enviro Committee To Grill EPA Pick Pruitt Next Wednesday

President-elect Donald Trump's pick to head the U.S. Environmental Protection Agency will get a confirmation hearing with the Senate Environment Committee next Wednesday, with the questioning likely to focus on climate change, regulation and domestic energy policy.

EPA Agrees To Tackle Request To Add NC To Ozone Region

A federal Judge has signed off on a settlement between the U.S. Environmental Protection Agency and the North Carolina Department of Environmental Quality in which the federal agency will act on Northeast states' petition to add North Carolina to a regional ozone-reduction program.

HEALTH & LIFE SCIENCES

Analysis

7 Key Policies In HHS Inspector General's Exclusion Rule

Oregon State Bar
Pharmaceutical Care Management Association
Procter & Gamble Co.
Revel AC Inc.
SIFMA
Southern Poverty Law Center
T-Mobile USA Inc.
The Boeing Company
Trump Organization Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Renal Care Inc.
United Auto Workers
Verizon Communications
Washington Post Co.
Washington State Bar Association
Wells Fargo & Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Centers for Medicare & Medicaid Services
Central Command
Commodity Futures Trading Commission
Congressional Research Service
Department of Commerce
Equal Employment Opportunity Commission
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
Government Accountability Office
Internal Revenue Service

The Office of Inspector General at the U.S. Department of Health and Human Services on Wednesday finalized an array of new policies for kicking individuals and companies out of Medicare and Medicaid for fraudulent billing. Here are seven key policies in the final rule.

Trump Chooses VA Health Undersecretary To Lead Agency

President-elect Donald Trump announced Wednesday that he has chosen U.S. Department of Veterans Affairs undersecretary and former hospital CEO David Shulkin to lead the agency, saying Shulkin will help "straighten out" the VA.

OSHA To Issue Safety Rules For Health Care Workers

The Occupational Health and Safety Administration will issue rules intended to reduce workplace violence against health care workers, according to a letter sent by the head of the agency to Democratic lawmakers.

MEDIA & ENTERTAINMENT

NJ Casino Regulator Postpones Developer's License Row

The plan to reopen the former Revel Atlantic City casino hit a roadblock Wednesday when the New Jersey Casino Control Commission postponed its decision on developer Glenn Straub's petition for a casino license waiver in order to review the admissibility of related documents.

NY, SC Lawmakers Lob Measures To Legalize Sports Betting

Lawmakers this week in New York and South Carolina have proposed amending their state constitutions to allow sports gambling.

TRANSPORTATION & INFRASTRUCTURE

International Chamber of Commerce

NAFTA

NATO

National Aeronautics and Space Administration

National Institute of Standards and Technology

National Labor Relations Board

New Jersey Attorney General's Office

New Jersey Casino Control Commission

New York Attorney General's Office

North Carolina Department of Environmental Quality

Occupational Safety and Health Administration

Port Authority of New York & New Jersey

Securities and Exchange Commission

U.S. Army

U.S. Attorney's Office

U.S. Commission on Civil Rights

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

Senators Press Trump DOT Pick For Infrastructure Pledges

Elaine Chao, President-elect Donald Trump's pick for secretary of transportation, received bipartisan support during a three-hour nomination hearing Wednesday, but also faced pressure from lawmakers vying to make the varied concerns of their home states a priority in the incoming Trump administration.

Christie, Prosecutors Slam GW Bridge Probable Cause Ruling

Counsel for New Jersey Gov. Chris Christie and prosecutors Wednesday urged a state judge to reverse another judge's probable cause finding in an activist's criminal complaint accusing the governor of official misconduct over politically motivated lane closures at the George Washington Bridge.

INSURANCE

Feds Urge Against Rule Injunction In Dialysis Program Suit

The U.S. Department of Justice told a federal judge in Texas on Wednesday not to grant a request from dialysis companies to stop a Health and Human Services rule change affecting patient insurance coverage, because it is a "limited and modest but urgently needed" step to protect patients.

EMPLOYMENT

ERISA Blocks Iowa Pharmacy Benefits Law, 8th Circ. Says

The Eighth Circuit ruled Wednesday that an Iowa law regulating certain actions taken by prescription drug benefit managers is preempted by the Employee Retirement Income Security Act, saying it would improperly create different administrative processes for ERISA plans in the state than exist nationally.

Job Seekers' Past Salaries Now Off Limits To NY Agencies

U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Marine Corps
U.S. Navy
U.S. Office of Government Ethics
U.S. Senate
U.S. Supreme Court
United Nations
World Intellectual Property Organization

New York Gov. Andrew Cuomo has signed two executive orders, one prohibiting state agencies from evaluating candidates based on their prior salary or asking about their wage history, and the other requiring state contractors to disclose job title and salary data.

PRIVACY & CONSUMER PROTECTION

NIST's Popular Cybersecurity Framework Gets Facelift

The National Institute of Standards and Technology on Tuesday floated an update to its widely adopted voluntary cybersecurity framework that would establish a common vocabulary for discussing cyber supply chain risks and set up a way to measure the progress businesses have made in identifying and managing cyberthreats.

Bathroom Rule Ban Is Toothless In Okla., LGBT Group Says

An Oklahoma LGBT advocacy group told the Fifth Circuit on Tuesday that the state should be exempted from an injunction blocking an Obama administration guidance that students be allowed to use restrooms that match their gender identity, saying the directive conflicted with no Oklahoma law.

GOVERNMENT CONTRACTS

Pentagon Testing Chief Flags More Delays For F-35

Continued issues with the F-35 program could add more than \$1 billion to its testing costs and mean the fighter jet may not complete full operational testing until 2020, the Pentagon's top weapons system tester said in a report released Tuesday.

Rep. Chaffetz Hopes To Bar Tax-Delinquent Gov't Workers

A bill that would eliminate eligibility for federal civilian employment, contracts or grants for individuals with significant delinquent tax debt

has passed the House Oversight and Government Reform Committee, Republican Congressman Jason Chaffetz of Utah announced Tuesday.

Trump Slams Russia Docs Report, F-35 Cost Overruns

President-elect Donald Trump on Wednesday slammed reports that Russia holds compromising information on him as "fake news," while continuing to criticize the Pentagon's largest acquisition program, the F-35 fighter jet, for cost and schedule overruns.

Group Seeks To Preserve Aerospace Tax Breaks In Wash.

A group that seeks to preserve tax incentives for Washington state's aerospace industry and includes Boeing as a member announced its launch on Tuesday, amid Boeing's opposition to efforts to restrict \$8.7 billion in tax breaks.

INTERNATIONAL TRADE

Missing Ethics Paperwork Delays Ross Confirmation Hearing

The leaders of the Senate Commerce Committee said Tuesday that the hearing to consider the nomination of Wilbur Ross as the next commerce secretary will be delayed to next week because the panel has not yet received crucial ethics documents from the billionaire investor.

DOL Says Colombia Out Of Step With Trade Obligations

The U.S. Department of Labor reported Wednesday that Colombia is falling short of its commitments under a bilateral trade agreement by failing to protect workers' rights and vigorously enforce its labor laws.

Tillerson Tries To Draw Hard Line On Russia

Rex Tillerson, Donald Trump's nominee for secretary of state, took a hard stance against

Russian aggression in his opening statement seeking Senate confirmation Wednesday but later refused to directly call Russian President Vladimir Putin a war criminal or to stand by sanctions imposed over Russia's alleged election interference.

TAX

Morgan Lewis Atty Steps Into Spotlight With Trump Plan

Morgan Lewis & Bockius LLP tax partner Sheri Dillon made a running leap Wednesday into the mainstream consciousness when she spoke to the American public at Donald Trump's latest press conference, addressing the president-elect's potential conflicts of interest.

DC Circ. Urged To Revive Offshore Income Program Suit

Three taxpayers have pressed the D.C. Circuit to revive their suit seeking to upend the Internal Revenue Services' offshore income disclosure programs, arguing that the changes they are seeking will not block the agency from collecting taxes.

INTERNATIONAL ARBITRATION

Switzerland Floats Amendments To Int'l Arbitration Law

Switzerland on Wednesday released a series of proposed amendments to its law governing international arbitration, which are aimed at enhancing the law's flexibility and maintaining the country's reputation as an attractive venue for dispute resolution.

Singapore Passes Bills To Boost Global Arbitration Role

The Parliament of Singapore passed two bills on Tuesday in an attempt to solidify the city-state's status as a center for dispute resolution, creating a framework for enforcing mediated settlements and for the first time allowing third-

party funding in international commercial arbitration.

IMMIGRATION

New Requirements Pitched For Exchange Visitor Program

The U.S. Department of State said Wednesday it is considering adding a series of restrictions to the Exchange Visitor Program, including limits on the number of hours that participants could work at night and the number of repeat visits they could make.

TELECOMMUNICATIONS

FCC Extends Timeline For Reconsidering Ownership Rules

The Federal Communications Commission agreed Wednesday to push back the deadlines for oppositions and replies to oppositions on requests that it reconsider its decision keeping media ownership restrictions, moving deadlines further into the Trump administration.

FCC Sparks GOP Outcry With 'Midnight' Report On Free Data

A Federal Communications Commission bureau report released Wednesday finding that Verizon and AT&T zero-rating plans pose "significant risks to consumers and competition" is "midnight regulation" driven by a partisan and political agenda, Republican FCC Commissioner Ajit Pai said in a statement.

FCC Floats Progress Reporting For Post-Auction TV Transition

The Federal Communications Commission on Tuesday released details of quarterly reporting requirements for broadcast television stations' repackaging effort following an auction process to reassign broadcast spectrum for broadband wireless use, including updates on building equipment, tower work and regulatory approval for construction to comply with the transition.

EXPERT ANALYSIS

What Will DOL's Immigration Policy Look Like Under Puzder?

It is still unclear how much legal immigration policy will change in the new Trump administration. However, both President-elect Donald Trump and his nominee for secretary of the U.S. Department of Labor, Andrew Puzder, have worked in industries that rely heavily on foreign nationals and it is entirely possible that legal immigration will stay within historic norms, says Becki Young, co-founder of Hammond Young Immigration Law LLC.

How NDAA For 2017 Changes DOD Contracting

In addition to creating new rules in four areas of interest to federal contractors, the National Defense Authorization Act for Fiscal Year 2017 foreshadows potential future reforms, say attorneys with Vinson & Elkins LLP.

Understanding How Blockchain Could Impact Legal Industry

Blockchain is essentially a computerized public ledger that can apply to almost anything that a person might save into a database or spreadsheet. This versatile technology may enhance the legal industry by providing an improved record keeping system, setting up "smart contracts" and tracking intellectual property and land records, say R. Douglas Vaughn and Anna Outzen of Deutsch Kerrigan LLP.

LEGAL INDUSTRY

SEC, NY DA Fight Dewey Trustee's Bid To Destroy Records

The U.S. Securities and Exchange Commission and the New York District Attorney's Office asked a bankruptcy judge in separate filings on Wednesday to block the liquidating trustee in the Dewey & LeBoeuf LLP bankruptcy from disposing of documents needed in civil and

criminal lawsuits against officers and employees of the defunct law firm.

DLA Piper, Goodwin Big Talent Winners As KWM Struggles

Goodwin Procter LLP on Wednesday announced that it has taken on six partners, along with 20 associates and trainees, from King & Wood Mallesons' European unit, the latest in a long string of departures that have picked up steam in recent weeks as the struggling global law firm bleeds talent.

Mind Your Metadata: Ethics Rules On Hidden Data

Slowly but surely, state ethics committees are addressing the rules and responsibilities around an often overlooked risk to client confidentiality — document metadata. Here, Law360 answers four common questions lawyers have about the ethical landscape for handling the sensitive client data.

Sedgwick Partner Taps Sanford Heisler In \$200M Bias Row

Sanford Heisler LLP has been hired as new lead counsel in a Sedgwick LLP partner's proposed gender discrimination class action against her firm, charging out of the gate Wednesday by filing an amended complaint in arbitration that adds fresh allegations and a \$200 million request for damages.

JOBS

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From: Heartland Institute: The Government Relations Team

Sent: Friday, January 13, 2017 12:06 PM

To: Rep93

Subject: The Leaflet - Kentucky Hits the Ground Running, Becomes 27th Right-to-Work State

the leaflet

Weekly policy updates from
THE HEARTLAND INSTITUTE 

Kentucky Hits the Ground Running, Becomes 27th Right-to-Work State

On January 7, Kentucky became the nation's 27th state to pass right-to-work legislation. Implemented in 1947, the Taft-Hartley Act (THA) allows states to adopt right-to-work laws. Right-to-work gives employees the freedom to choose whether to join a labor union and pay union dues.

According to the National Right to Work Legal Defense Foundation, "A Right to Work law secures the right of employees to decide for themselves whether or not to join or financially support a union. However, employees who work in the railway or airline industries are not protected by a Right to Work law, and employees who work on a federal enclave may not be. Moreover, a Right to Work law does not prohibit limitations on when a dues deduction authorization card can be revoked." 30

Kentucky has one of the highest union membership rates in the South, and many analysts believe that is because it is one of only a few states in the region without a right-to-work law.

Bill McMorris, a staff writer for the *Washington Free Beacon*, wrote in a recent article, "About 200,000 Kentucky workers were dues-paying union members in 2015, according to the Bureau of Labor Statistics. Union membership has grown in recent years, with a membership rate of 11 percent of the workforce—a 28 percent increase from 2009."

According the Bluegrass Institute, in the first week of the 2017 legislative session, the Kentucky Legislature passed and Gov. Matt Bevin (R) signed laws addressing the following issues:

- Kentucky became a right-to-work state. No longer are Kentuckians forced to join a union as a condition of employment.
- Kentucky made legislators' pensions transparent.
- Kentucky repealed the arbitrary and artificial "prevailing-wage" requirements on public projects, saving taxpayers millions of dollars on new schools and government buildings.
- Kentucky prohibited union dues from being used to fund politics.

- And Kentucky determined that union membership should come with an “opt-in” requirement, not just a *de facto* “yes” that one must later opt out of.

F. Vincent Vernuccio, the Mackinac Center’s director of labor policy, pointed out in a recent *Wall Street Journal* article voters in right-to-work states have rewarded lawmakers who supported the change, writing, “[T]he union’s bark is a lot worse than its bite when it comes to the election afterward.”

Vernuccio also suggested Kentucky could be the first of several states to pass right-to-work legislation in 2017. “We may see up to 29 [states] before the spring. You’re definitely seeing a snowball effect, and more and more states are looking to give workers freedom.”

States that do not have right-to-work policies should consider implementing them. As the experience of other states shows, right-to-work legislation has a positive effect on states’ economies, workers, and population growth.

WHAT WE'RE WORKING ON

Budget & Tax

Roadmap for the 21st Century: Welfare Reform

This paper, authored by the Roadmap for the 21st Century Working Group on Poverty and Welfare Reform, describes the “perverse incentives stemming from our outdated, fossilized welfare system” and shows how those incentives can be reversed. The paper summarizes the reform proposals offered by House Speaker Paul Ryan (R-WI) and U.S. Sen. Marco Rubio (R-FL), and it reveals a new plan that would make the Ryan and Rubio proposals even more effective. The plan described by the Working Group authors would maintain the necessary social safety net while also making it more effective and less economically burdensome on taxpayers. [Read more](#)



Education

Research & Commentary: Cuomo’s ‘Free’ Tuition Plan Won’t Help Poor Students or Reduce College Costs

In this *Research & Commentary*, Policy Analyst Tim Benson examines New York Gov. Andrew Cuomo’s (D) plan to provide “Cfree” tuition at all Empire State public colleges and universities for students whose families are earning up to \$125,000 per year. Because lower-income students already qualify for enough aid to pay for tuition at New York state universities, most of the students who will be helped by this bill will be from middle- and upper-middle-income households, which means New York’s lower- and middle-income families will be paying taxes to subsidize the higher education of children belonging to their affluent and upper-middle-income

neighbors. Instead of instituting what would amount to a welfare program for upper-middle-income households, Benson argues, New York would be better off directing this money to school choice programs for low-income K-12 students stuck in poorly performing neighborhood public schools, such as tax credit scholarship programs and education savings account plans. [Read more](#)

Energy & Environment

Purdue Researchers Find GMO Ban Would Result in Higher Food Prices and Greenhouse-Gas Emissions

In this story published in *Environment & Climate News*, Managing Editor H. Sterling Burnett writes about a new study in the *Journal of Environmental Protection*. Authored by researchers at Purdue University, the study claims a global ban on genetically modified organisms (GMOs) would result in higher carbon-dioxide emissions and cost billions of dollars in lost welfare. Absent the use of GMO crops, the study finds food prices would be between 0.27 percent and 2.2 percent higher, depending on the region. The study also argues if countries that currently plant GMO crops increase the amount of GMOs they plant to levels comparable to that of the United States, greenhouse-gas emissions would fall by approximately 0.2 billion tons of carbon dioxide globally and up to two million acres of land would revert to forests, grasslands, and wetlands. [Read more](#)

Health Care

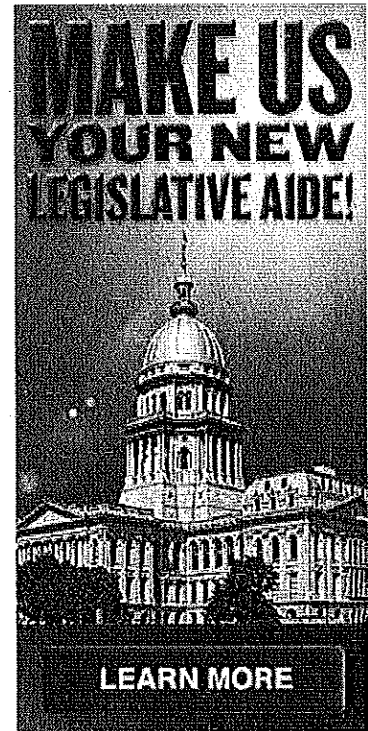
Study: Two-Thirds of Medicaid Expansion Enrollees Were Already Eligible

In this *Health Care News* article, reporter Ben Johnson discusses a *New England Journal of Medicine* article coauthored Jonathan Gruber, a Massachusetts Institute of Technology professor and one of the architects of the Affordable Care Act (ACA). The *New England Journal* article, published in October 2016, found most enrollees in state Medicaid expansion programs were eligible for the government-sponsored health insurance program before the ACA-created expansion went into effect. This means federal taxpayers are paying a higher share of states' Medicaid bills than they should. [Read more](#)

From Our Free-Market Friends

Laboratories of Democracy: How States Get Excellent K-12 U.S. History Standards

Pioneer Education, a center focusing on education reform at The Pioneer Institute, recently released a study that highlights best practices for establishing and updating K-12 history standards. Authors Anders Lewis and William Donovan



POLICY NEWSPAPER



The January 2017 issue of *Budget & Tax News* reports on the election of Donald Trump, Republicans' continued control of both houses of Congress ... and what it all might mean for downsizing the federal government. Genevieve Wood, a senior fellow at The Heritage Foundation, gave taxpayers reason for hope: "I think you can expect to see

recommend states use an academically rigorous and open approach to update standards that would provide members of the public and teachers with multiple opportunities to express their views throughout the drafting and review phases of standards development. The co-authors also suggest the development of standards that are academically detailed and specific. The study highlights efforts to update well-respected history standards in six states: Alabama, California, Indiana, Massachusetts, New York, and South Carolina. For instance, the study points to California's recent standards update in 2016, which, according to the authors, yielded standards that have been poorly received compared to past standards implemented in California and elsewhere. The authors also say the standards in California have drawn accusations of partisanship and ideological bias. [Read more](#)

bold reforms, and by that, I mean a real shrinking back and pulling back of the federal government's power when it comes to taxes, regulations, [and] telling people how to live their everyday lives."

[Health Care News](#)

[Environment & Climate News](#)

[School Reform News](#)



Heartland Institute

The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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Heartland Institute: The Government Relations Team | nmakla@heartland.org |

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Wednesday, January 18, 2017



TOP NEWS

Trump's Interior Pick Says Climate Change 'Undisputable'

Rep. Ryan Zinke, R-Mont., Donald Trump's nominee for interior secretary, parted ways with earlier comments by the president-elect by saying during Senate confirmation hearings on Tuesday that he doesn't believe climate change is a hoax, but suggested that there is still a place for fossil fuel drilling on federal lands.

IRS Finalizes Anti-Inversion Rule, With Some Tweaks

The Internal Revenue Service has finalized rules meant to make it harder for U.S. businesses to lessen their tax burden by merging with foreign companies, although the agency tweaked the requirements to meet certain exceptions to the regulations.

If Not Replaced, ACA Repeal Could Double Premiums: CBO

LAW FIRMS

Akin Gump
Allen & Overy
Altshuler Berzon
Baker Botts
Balch & Bingham
Bangs McCullen
Berger Singerman
Bircham Dyson
Brann & Isaacson
Buchanan Ingersoll
Cadwalader Wickersham
Chadbourne & Parke
Cravath Swaine
DLA Piper
Davis Graham
Davis Wright Tremaine
Dentons
Dewey & LeBoeuf
Duane Morris

With Congressional Republicans working toward repealing the Affordable Care Act, the nonpartisan Congressional Budget Office said Monday that scrapping only parts of "Obamacare" could result in 32 million people losing health insurance and premiums doubling by 2026.

3 Takeaways As FDA Dishes On Interchangeable Biosimilars

The U.S. Food and Drug Administration's long-awaited guidance on biosimilar interchangeability contains lots of flexible language that means the coveted designation could be much more attainable for some products than others, experts say. Here are three takeaways from Tuesday's draft guidance.

Puzder Denies Report He May 'Bail' On Labor Nomination

Andrew Puzder, the fast food executive whom President-elect Donald Trump tapped to serve as U.S. secretary of labor, on Monday tweeted that he is "looking forward" to his confirmation hearing, amid media reports that he was considering withdrawing himself from consideration for the job.

Obama Commutes Chelsea Manning's Prison Sentence

President Barack Obama on Tuesday commuted the sentence of Chelsea Manning, the soldier convicted of leaking a trove of classified information to the website WikiLeaks, according to media reports.

Trump Asks If Outgoing CIA Head 'Leaker Of Fake News'

President-elect Donald Trump has lashed back at outgoing CIA Director John Brennan's suggestion that he does not fully understand Russia's threat to national security, questioning if Brennan leaked "fake news" and deepening his rift with the U.S. intelligence community.

BANKING & SECURITIES

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Hunton & Williams
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Paul Weiss
Seward & Kissel
Sidley Austin
Skadden
Stoel Rives
Sullivan & Cromwell
Van Ness Feldman
Wachtell Lipton
Willkie Farr
Winston & Strawn
Zuckerman Spaeder

COMPANIES

AT&T Inc.
AbbVie Inc.
Aerospace Industries Association
Air Line Pilots Association
International
Allergan PLC

Mary Jo White Says SEC Must Remain An Independent Agency

Outgoing U.S. Securities and Exchange Commission Chair Mary Jo White said Tuesday the agency must remain independent in the face of "partisan tides" and constricting legislation in order to fulfill its mission of protecting investors.

Senate Dems Won't Negotiate CFPB's Makeup, Schumer Says

Senate Democrats will not negotiate to replace the Consumer Financial Protection Bureau's single-director leadership with a commission structure similar to that of other financial regulatory bodies, the party's leader in that chamber said Tuesday.

NY Says OCC Fintech Charter Puts Consumers At Risk

New York's top financial watchdog on Tuesday blasted a federal regulator's proposal to create a new charter for nonbank online lenders and other financial technology firms, saying that the new charters would open the door to weakening state consumer protection laws.

Texas Bank Can't Leapfrog To Full DC Circ. In CFPB Case

A D.C. federal judge on Tuesday shot down a Texas bank's bid to join an appeal before the full D.C. Circuit concerning the constitutionality of the Consumer Financial Protection Bureau's single-director leadership, rejecting the bank's arguments the move would serve the interest of "judicial economy."

ENERGY & ENVIRONMENTAL

Enviros Urge Justices To Pass On Polar Bear Habitat Appeal

The Center for Biological Diversity is urging the U.S. Supreme Court not to upend a Ninth Circuit decision backing the U.S. Fish and Wildlife Service's critical habitat designation for

America Fujikura Ltd.
American Bankers Association
American Bar Association
American Cable Association
American Federation of Labor and Congress of Industrial Organizations
Aramark Corp.
Arctic Slope Regional Corp.
Associated Press
BuzzFeed Inc.
CKE Restaurants, Inc.
CTIA
Caterpillar Inc.
Center for Biological Diversity Inc.
Chevron Corporation
Competitive Carriers Association
Cox Communications Inc.
Depository Trust & Clearing Corp.
DraftKings Inc.
Education Management Corporation
Energy Transfer Partners, L.P.
Environmental Defense Fund Inc.
FanDuel Inc.
First Financial Holdings, Inc.
Ford Foundation
International Brotherhood of Teamsters
International Swaps and Derivatives Association
Life Care Centers of America
Lockheed Martin
Lyft Inc.
Marathon Petroleum Corp.
MoneyGram International, Inc.
National Association of Manufacturers
National Collegiate Athletic Association

the polar bear, saying the state of Alaska and other challengers have made too big of a deal out of the size of the habitat designation.

BLM Venting Rules Take Effect As Court Case Continues

Three Western states and industry groups lost a bid Monday to block a Bureau of Land Management rule aimed at limiting methane releases from drilling operations on federal and Native American lands from taking effect Tuesday while a Wyoming federal judge hears the merits of the case.

EPA Wants To Revise Haze Rules Over Texas' Objection

The U.S. Environmental Protection Agency and environmental groups have asked the Fifth Circuit to deny Texas' bid to throw out part of the federal government's regional haze plan, arguing that instead the EPA should be allowed to revise the plan on remand.

HEALTH & LIFE SCIENCES

After Historic Vote, Fla. Drafts New Medical Pot Rules

The Florida Department of Health on Tuesday published its initial proposed rule for a medical marijuana program, taking a step toward implementing the recently passed Amendment 2 but creating controversy by charting a course closer to existing law than the broader guidelines voters overwhelmingly passed in November.

Ex-House Attys Urge High Court To Review Menendez Ruling

Former general counsels of the U.S. House of Representatives have joined U.S. Sen. Bob Menendez, D-N.J., in urging the U.S. Supreme Court to review a Third Circuit decision upholding his corruption charges, saying the ruling improperly allows scrutiny of a

National Oilwell Varco Inc.
National Telephone Cooperative Association
New York City Bar Association
New York State Academy of Trial Lawyers
New York State Bar Association
New York State Trial Lawyers Association
Newegg Inc.
Olgoonik Corp.
Omnicare Inc.
Overstock.com Inc.
PHH Corporation
Pfizer Inc.
PhRMA
Plains All American Pipeline, L.P.
Plantronics Inc.
Sierra Club
T-Mobile USA Inc.
Tata Consultancy Services Ltd.
The American Law Institute
The Boeing Company
The Hospital and Healthsystem Association of Pennsylvania
Tikigao Corp.
Trinity Industries Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Universal Health Services Inc.
Verizon Communications
Wayfair LLC

GOVERNMENT AGENCIES

Alaska Department of Law
Bureau of Indian Affairs
Bureau of Land Management
Central Intelligence Agency

lawmaker's motives to gauge whether legislative acts are constitutionally protected.

FDA's Foreign Offices Are Short-Staffed, Report Says

The U.S. Food and Drug Administration's foreign drug inspection program is persistently understaffed despite overall improvements to the program in recent years, the U.S. Government Accountability Office said in a report released Tuesday.

MEDIA & ENTERTAINMENT

Pa. Senators Push Bill To Regulate Daily Fantasy Sports

Two Pennsylvania state senators from both sides of the aisle on Tuesday said that they plan to introduce legislation to permit and regulate the operation of daily fantasy sports games in Pennsylvania.

NY Looking To Test Sports Betting Ban, Wagering Chair Says

New York could be the next state to challenge a federal law prohibiting states from authorizing sports betting as New York Assemblyman J. Gary Pretlow, who chairs the Racing and Wagering Committee, told Law360 he plans to float a sports betting legalization bill this month, a move that will likely land the state in federal court.

TRANSPORTATION & INFRASTRUCTURE

Pilots, Flight Attendants Sue DOT Over Norwegian Air Permit

A coalition of unions representing pilots and flight attendants has sued the U.S. Department of Transportation in the D.C. Circuit to challenge the agency's grant of a foreign air carrier permit to Norwegian Air Shuttle ASA's Irish subsidiary.

EMPLOYMENT

Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service
Florida Department of Health
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
International Trade Commission
NATO
National Aeronautics and Space Administration
National Park Service
New York State Department of Financial Services
Office of the Comptroller of the Currency
San Francisco Bay Area Rapid Transit District (BART)
Securities and Exchange Commission
South Dakota Department of Revenue
U.S. Air Force
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor

Uber Sues Seattle To Stop New Driver Unionization Rule

Uber sued the city of Seattle in Washington state court Tuesday to block rules permitting for-hire drivers to participate in collective bargaining opportunities, alleging they run afoul of the state's constitution.

GOVERNMENT CONTRACTS

Acquisition Council Issues Proposed Sustainability Rule

The Federal Acquisition Regulatory Council issued a proposed rule Tuesday to implement a presidential sustainability directive, saying the proposal will improve federal agencies' environmental performance and reduce greenhouse gas emissions by changing their purchasing habits.

Boeing CEO Touts Contract Progress After Trump Meeting

Boeing's CEO Dennis Muilenburg said Tuesday he and President-elect Donald Trump had discussed driving down costs on the pending Air Force One replacement contract, as well as the possibility of the Pentagon buying Boeing's F/A-18 instead of Lockheed Martin's F-35, days after Trump held a similar meeting with Lockheed's CEO.

McCain Says Pentagon \$430B Short Of Military Readiness

Sen. John McCain, one of Congress's most outspoken defense hawks, let out a clarion call Monday to boost military spending above sequestration levels in 2018, saying in a new report only \$430 billion in additional Pentagon funding over the next five years can preserve U.S. military readiness.

TAX

IRS Finalizes Corporate-Level Tax On Certain REIT Transfers

U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Marine Corps
U.S. Senate
U.S. Supreme Court

A new Internal Revenue Service regulation to impose a corporate-level tax on certain property transfers to real estate investment trusts and regulated investment companies will go into effect Wednesday.

Del. Poses Bill To Limit Unclaimed Property Collection

Amid a high court battle between Delaware and several other states over who gets to keep abandoned MoneyGram checks, a Delaware state senator has introduced a bill that claims to make the state's unclaimed property laws fairer and more in line with those of other states.

South Dakota Remote Sales Tax Suit Returns To State Court

A group of online retailers being sued by South Dakota under its new law enforcing sales tax collection on certain out-of-state businesses was dealt a blow Tuesday when a federal judge punted the lawsuit back to state court.

Pa. GOP Sen. Floats 5% Natural Gas Tax To Fund Pensions

A Pennsylvania Republican state senator on Tuesday said he intends to reintroduce legislation that would impose a 5 percent levy on natural gas producers in the state and direct the receipts to offset the state's unfunded pension liabilities.

BANKRUPTCY

2nd Circ. Says EDMC Restructuring Did Not Violate Bond Law

The Second Circuit on Tuesday overturned a federal district judge's finding that a \$1.5 billion out-of-court restructuring proposed by for-profit college operator Education Management Corp. violated a Depression-era law meant to protect bondholders, saying the payment terms governing the bonds at issue were not modified.

IMMIGRATION

Justices Mull 'Crime Of Violence' In Immigration Case

The U.S. Supreme Court on Tuesday heard oral arguments in an immigration case over whether the definition of a "crime of violence" is unconstitutionally vague, with the justices grappling with the vagueness standard and how the definition differed from a separate statute that was struck down in 2015.

Shepherds Ask Court To End DOL's H-2A Wage Floor

A group of shepherds challenging a 2015 Department of Labor rule setting a pay floor for long-term livestock workers on temporary H-2A visas urged a D.C. federal court on Monday to deal them a quick win and to find the rule is illegal.

TELECOMMUNICATIONS

FCC Auction's Clearing Cost Drops To \$10B

The Federal Communications Commission's spectrum incentive auction is on track to bring in a fraction of its original goal of more than \$80 billion, as the agency has set a target for its next round of the incentive auction at just over \$10 billion, according to a Tuesday post on the FCC's website.

FCC's Transparency Rules Go Into Effect For All Providers

Enhanced transparency rules under the Federal Communications Commission's 2015 Open Internet Order went into effect on Tuesday despite a plea from several trade associations, although a Democratic commissioner lamented the effect on small providers and a Republican commissioner pushed action soon.

Hispanic Media Tell FCC Viewers' Mail Should Be Kept

The National Hispanic Media Coalition has urged the Federal Communications Commission not to drop its requirement that

commercial broadcasters retain copies of correspondence from the public, arguing that the correspondence can aid the public when filing complaints against certain broadcast content.

PEOPLE

Latham & Watkins Brings On 2 Energy-Focused Partners

Latham & Watkins LLP has hired two partners with energy expertise who collectively will bring more than 50 years of experience to the firm's Washington, D.C., office, the firm announced Tuesday.

Ex-Cravath Atty, Hedge Fund Runner Get 2nd CFTC Seat Try

Just days before stepping out of office, the Obama administration on Tuesday renewed a bid to fill a pair of vacancies at the U.S. Commodity Futures Trading Commission, re-nominating a former Cravath Swaine & Moore LLP attorney and a hedge fund manager who didn't advance last year.

EXPERT ANALYSIS

Evidence Substantiation Burden May Soon Shift To FTC

To date, questions about how the Trump administration will impact the Federal Trade Commission have focused primarily on antitrust issues, but clues to how the new administration will affect consumer protection issues might be found by examining the record of former Commissioner Joshua Wright, whom Trump has named to lead the FTC transition efforts, say attorneys at Skadden Arps Slate Meagher & Flom LLP.

Hague Convention's Impact On Secured Transactions

Choice-of-law rules for the perfection and priority of a security interest in "securities credited to a securities account" will change on

April 1, 2017, when the Hague Securities Convention comes into effect. Edwin Smith and Alan Beloff of Morgan Lewis & Bockius LLP describe what steps secured parties may need to take now for existing secured transactions and in planning for new ones.

Key Trade Secret Developments Of 2016: Part 2

Our first article in this two-part series focused on the most significant event in trade secret law in many years — the passage of the federal Defend Trade Secrets Act. Now we leave the DTSA and highlight five other trade-secret trends that promise to shape future developments, say attorneys with Faegre Baker Daniels LLP.

Health Care Enforcement Review And 2017 Outlook: Part 2

In 2016, courts around the country heard cases involving a variety of False Claims Act and other enforcement-related matters. Going forward these case law developments are expected to have an impact on both the scope of FCA liability and the means by which FCA liability can be proven at trial, say attorneys at Mintz Levin Cohn Ferris Glovsky and Popeo PC.

Amended Rule 37(e): 1 Year Later

After a full year in effect, the amended Federal Rule of Civil Procedure 37(e) has been tested in a variety of district courts. A sampling of these decisions reveals that courts seem to be adhering closely to the amended rule and ordering adverse inference instructions only where there was intent to deprive another party of access to relevant information, say Carrie Amezcua and Samantha Southall of Buchanan Ingersoll & Rooney PC.

LEGAL INDUSTRY

How To De-Stress And Find Balance As A Busy Lawyer

Tackling stress as an attorney may feel like a losing proposition given the profession's high-pressure work and long hours, but experts say even the most tightly wound lawyers can reduce stress and find balance. Here are five ways.

Elite Firms Aren't Safe From Industry Upheaval, Report Says

The future of the legal sector is currently marked by uncertainty and volatility, with major changes on the horizon that will likely impact even elite law firms' compensation systems and cultures, according to a report out Tuesday by Major Lindsey & Africa.

Cadwalader Closing Houston Office

Cadwalader Wickersham & Taft LLP said on Tuesday that it will close its Houston office as part of the firm's decision to consolidate around its core client base of large corporations and the financial sector, including banks and hedge funds.

Cuomo Taps Cravath Partner For Seat On NY High Court

New York Gov. Andrew Cuomo on Monday selected Cravath Swaine & Moore LLP's longtime complex litigation partner Rowan D. Wilson to become an associate judge on the state's Court of Appeals, taking the place of recently retired Associate Judge Eugene F. Pigott

Dewey Execs Blast DA's Bid To Limit Star Witness Questions

Two former Dewey & LeBoeuf LLP executives have shot back at a bid by the Manhattan district attorney's office to limit cross-examination of a cooperating witness in the upcoming retrial over alleged accounting fraud, saying they have a right to explore whether the witness is "shading his testimony to curry favor."

KWM Appoints Administrators Amid Financial Woes

Cash-strapped global law firm King & Wood Mallesons LLP filed for administration with a U.K. court on Tuesday and selected an independent agency to handle its financial future, a representative for the firm confirmed.

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From: Heartland Institute: The Government Relations Team

Sent: Friday, January 20, 2017 4:57 PM

To: Rep93

Subject: The Leaflet - Missed Heartland's Emerging Issues Forum in Orlando?
Watch It Online!



Missed Heartland's Emerging Issues Forum in Orlando? Watch It Online!

On December 15, The Heartland Institute hosted its 2016 Winter Emerging Issues Forum (EIF). More than 120 state elected officials and policy experts from 23 states attended this magical EIF in Orlando, Florida.

Tennessee state Rep. Mike Sparks (R-Rutherford) praised Heartland's winter EIF event, stating, "As a state legislator, you may often feel alone on a few issues, but having The Heartland Institute as a resource is invaluable."

[YouTube channel.](#)

The education panel featured Tennessee state Rep. John J. DeBerry Jr. (R- Shelby County), Jamie Gass, the Pioneer Institute's director of the Center for School Reform, and Lisa Snell, the Reason Foundation's director of education and child welfare. The panelists discussed how education outcomes in America continue to lag globally, the debate over Common Core State Standards, and educational choice options such as education savings accounts and charter schools. The panel also analyzed the roadblocks currently facing lawmakers who are working to transform education. [Watch a video of the education panel here.](#)

The health care panel featured Beacon Center of Tennessee Director of Policy Lindsay Boyd, clinical endocrinologist Dr. Richard O. Dolinar, and Sal Nuzzo, the James Madison Institute's policy director. The panelists discussed how states could expand competition and reduce the cost of health care (even with the Affordable Care Act in place). Solutions discussed included using telemedicine, rolling back certificate of need laws, and embracing direct primary care. [Watch a video of the health care panel here.](#)

The energy and environment panel featured Maine state Rep. Beth A. O'Connor (R-Berwick), Amy Oliver Cooke, the Independence Institute's vice president and the director of the energy policy center, and Spark of Freedom Foundation President James Taylor. The panelists discussed how America has become a leader in energy production despite President Barack Obama's efforts to discourage the use of traditional energy sources, such as coal, natural gas, and oil. This panel also discussed the rise of hydraulic fracturing, the demise of renewable

power mandates, and pro-environment, pro-energy, and pro-jobs solutions to America's energy and environment problems. [Watch a video of the energy and environment panel here.](#)

The budget and tax panel featured West Virginia state Del. John Overington (R-Berkeley), Beacon Center of Tennessee Director of Policy Lindsay Boyd, and State Budget Solutions President Bob Williams. The panelists discussed ways states are seeking to create a better business climate to attract jobs and businesses to their states. The panelists also discussed right-to-work laws, tax reform, and reforming public pension systems. [Watch a video of the budget and tax panel here.](#)

Stay tuned as Heartland prepares to host its 2017 Emerging Issues Forum!

WHAT WE'RE WORKING ON

Budget & Tax

Research & Commentary: Dramatic Gas Tax Hike Won't Help Alaska Maintain Its Roads

Alaska Gov. Bill Walker (I) recently introduced a proposal that would hike the state's gas tax rate as part of his 2018 budget plan. The tax would quadruple from 8 cents per gallon to 24 cents per gallon on July 1, 2018. In this *Research & Commentary*, Matthew Glans argues Alaska legislators should explore more modern and efficient ways to fund road construction and traffic infrastructure, such as privatizing roads and establishing toll systems. [Read more](#)

Education

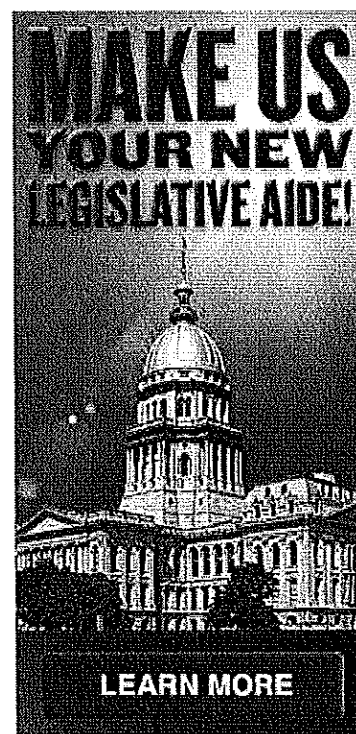
Roadmap for the 21st Century: Education Choice

This paper, authored by the Roadmap for the 21st Century Working Group on Education, describes how education choice and competition improve educational outcomes for both those students who take advantage of choice opportunities as well as those who remain in traditional public schools. The authors also outline how education choice would improve economic prosperity at the national and state levels. According to the authors, "If all American students and their parents were free to choose the school they believed would work best for them, [educational achievement gaps] could be closed. Nationwide, that would mean an increase in U.S. GDP of up to 17% to 30%, or \$3.1 trillion to \$5.2 trillion over 25 years, given the current level of U.S. GDP." [Read more](#)

Energy & Environment

Utah Counties Sue Federal Government Over Coal Lease Moratorium

In this article for *Environment & Climate News*, reporter Kenneth Artz writes about a lawsuit filed against the U.S.



POLICY NEWSPAPER

Department of the Interior (DOI) and the Bureau of Land Management by Utah's Kane and Garfield Counties, which argues they and other rural communities around Utah will be economically devastated by the loss of hundreds of jobs and the closing of crucial mining sites if the Obama administration's moratorium on new coal leases on federal lands continues. The Obama administration, Artz notes, issued the moratorium in January 2015 as part of its review and overhaul of the coal-leasing program managed by DOI. The Obama administration says the moratorium was necessary due to concerns related to the theory man is causing climate change and because the administration wanted to examine whether taxpayers are receiving a fair return on the leases. However, now that Donald Trump is entering the White House, the dispute could be short-lived. [Read more](#)

Health Care

The Case for Licensing Dental Therapists in North Dakota

A joint publication of The Heartland Institute and Texas Public Policy Foundation, this *Policy Brief* makes a case for the licensing of dental therapists in North Dakota to improve access to basic and preventative oral care. The *Policy Brief* was authored by Michael Hamilton and Bette Grande, both research fellows at The Heartland Institute, and John Davidson, a senior fellow at the Texas Public Policy Foundation. Grande served as a North Dakota state representative from 1996 to 2014, representing the 41st district. The authors urge North Dakota to follow the example set in Maine, Minnesota, and Vermont, which have proven licensing dental therapists is a win-win for residents and dentistry professionals. The report includes 64 footnotes citing research concerning the benefits of dental therapy. [Read more](#)

From Our Free-Market Friends

The Thomas Jefferson Institute Releases New Hospital Study

The Thomas Jefferson Institute recently released its annual analysis of Virginia hospitals' financial wellbeing, titled *Virginia's Hospitals: Doing Well in a Sluggish Economy*. The report confirms the hospital industry in Virginia has continued to enjoy solid earnings, and the authors say the industry's financial health remains strong. This year's study, authored by President Michael W. Thompson, shows hospitals earned a profit of \$1.89 billion in 2015, slightly less than the \$1.9 billion in 2014 - a difference of only six-one-hundredths of one percent. Additionally, the net worth of hospitals increased by 6.6 percent, or about \$1.1 billion. Thompson found in the report, "Over the past four years - from 2012 through 2015 - the number of hospitals running in the red has decreased by 35% - from 42 in 2012 to 27 in 2015." [Read more](#)



The January 2017 issue of *Budget & Tax News* reports on the election of Donald Trump, Republicans' continued control of both houses of Congress ... and what it all might mean for downsizing the federal government. Genevieve Wood, a senior fellow at The Heritage Foundation, gave taxpayers reason for hope: "I think you can expect to see bold reforms, and by that, I mean a real shrinking back and pulling back of the federal government's power when it comes to taxes, regulations, [and] telling people how to live their everyday lives."

Health Care News

Environment & Climate News

School Reform News

Heartland Institute



The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

Our Websites

[The Heartland Institute](#)
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Heartland Institute: The Government Relations Team | nmakla@heartland.org |

Diane Bast | 3939 North Wilke Road | Arlington Heights, IL 60004

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From: Leonard Gilroy
Sent: Thursday, January 26, 2017 3:26 PM
To: Rep93
Subject: Privatization & Government Reform Newsletter #29 - January 2017

To view this email as a web page, go [here](#).



Privatization & Government Reform Newsletter
Issue No. 29 — January 2017

Edited by:
Leonard Gilroy, Director of Government Reform, Reason Foundation
Austill Stuart, Policy Analyst, Reason Foundation

In this issue:

- **INFRASTRUCTURE:** [Federal Barriers to Private Infrastructure Investment](#)
- **CONTRACTING:** [Making the Federal Government Compete](#)
- **STATE GOV:** [Reviewing the Past Year in State Privatization](#)
- **PENSIONS:** [CalPERS Lowers Investment Return Assumption](#)
- **ENERGY/ENVIRONMENT:** [CAFE Standards in Plain English](#)
- [News & Notes](#)
- [Quotable Quotes](#)

INFRASTRUCTURE: Federal Barriers to Private Capital Investment in U.S. Infrastructure

Before taking office, President Trump announced plans to pursue an ambitious program to foster private investment in aging U.S. public-sector infrastructure, including airports, highways, seaports, water-supply and wastewater treatment facilities. For the past 15 years, infrastructure investment funds, infrastructure companies and others have been eager to invest in U.S. public-private partnership (PPP) projects of this kind, but they have confronted a relatively small number of projects. According to a new Reason Foundation report, that problem stems from

two causes: state and local policymakers' unfamiliarity with PPP models and federal barriers to private capital investment in state and local infrastructure.

The report identifies thousands of potential project opportunities, in the form of existing airports, highways, seaports, water systems, etc. It then shines a spotlight on an array of federal obstacles that make it difficult, financially disadvantageous or impossible to do the kinds of PPP infrastructure renewal that take place routinely in Canada, Europe and Latin America.

» [FULL REPORT](#)

» [return to top](#)

CONTRACTING: Will Trump, Congress Try to Make the Federal Government Compete Again?

Given current federal policy toward outsourcing, the Trump administration and Congress have an opportunity to re-embrace competition. According to a new article by Reason's Austill Stuart, expanding federal competitive sourcing would benefit taxpayers by using competition to drive down costs and innovate in service delivery.

» [FULL ARTICLE](#)

» [return to top](#)

STATE GOV: Reviewing the Past Year in State Privatization

Amid a slow economic recovery since the end of the Great Recession, states continue to advance privatization and public-private partnership initiatives, according to Reason Foundation's *Annual Privatization Report 2016*. The report reviews developments in privatization and public-private partnerships in state government over the past year, with topics that include the status of state budgets, the private sector's expanding role in higher education, and the privatization of state liquor stores.

» [FULL REPORT: State Government Privatization 2016](#)

» [Annual Privatization Report 2016 homepage](#)

» [return to top](#)

PENSIONS: CalPERS Lowers Investment Return Assumption

The board of the California Public Employees Retirement System (CalPERS) sent shockwaves through the Golden State last month when it approved lowering its investment returns assumption from 7.5% to 7.0% over the coming years, a move that revealed the pension plan is billions more in debt than was previously recognized. In the short term, this change is going to mean increased pension contributions for the state and most local governments, which could potentially impact taxpayers through service cuts or tax increases. But as Reason's Leonard Gilroy writes in a recent *Orange County Register* column, there is a definite silver lining for taxpayers in the long term.

» [FULL ARTICLE](#)

» [return to top](#)

ENERGY: CAFE Standards in Plain English

While the original Corporate Average Fuel Economy (CAFE) standards sought to drive automotive innovation to curtail fuel consumption, the purview of current standards has been expanded to address emissions of greenhouse gases. In the process, the standards have become increasingly complex. In a new issue explainer, Reason's Baruch Feigenbaum and Julian Morris describe in plain English the development of the CAFE standards and how they function. They find that as the standards become more complex and administratively burdensome, legitimate questions arise as to their suitability for achieving fuel efficiency and environmental objectives.

» [FULL EXPLAINER](#)

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NEWS & NOTES

GAO Releases First Federal Fiscal Health Report: This month, the Government Accountability Office (GAO) released *The Nation's Fiscal Health: Action Is Needed to Address the Federal Government's Fiscal Future*, the first of a series of annual reports directed to Congress that provides a trajectory of federal spending and its largest drivers—Medicare, Medicaid, Social Security, Interest on the federal Debt and Defense programs—using alternative budget simulation

forecasts from the GAO and Congressional Budget Office (CBO). For all of these major drivers of spending, the report paints a grim picture, with "Trust Funds" for Social Security Disability, Medicare Hospital Insurance, and Social Security Old-Age and Survivors Insurance depleted over the next 10 to 20 years, and debt-to-GDP levels reaching their previous high of 106% between 2031 and 2041, depending on the simulation. The report also outlines other drivers of spending and revenues resulting from tax code changes specific to the year, as well as other areas of focus and policy proposals to aid in bringing debt-to-GDP levels closer to their 44% average. The full report is [available here](#).

Utah State Auditor Evaluates Impact of Rising Teacher Pension Costs : A recent report by Utah's state auditor outlined the severity of unfunded liabilities affecting the state's teacher pensions. While the required employer pension contributions rose sharply from 2008 to 2015 (nearly doubling from 12.72% of payroll to 22.19%), nearly half of those contributions are due to unfunded pension liabilities, a figure reaching \$204 million in 2015. The report notes that if the pensions were fully funded, the money currently dedicated to amortizing unfunded liabilities could be used to increase teacher pay by 14%, to double the amount of teacher aides, or to operate an additional 40 elementary schools. The full report is [available here](#).

Pew Releases Municipal Fiscal Landscape Report: In December, the Pew Charitable Trusts released the latest edition of its *Fiscal Landscape of Large U.S. Cities*. The two biggest sources cited for falling revenues in cities were property taxes—which grew for the sample of cities, on average, for the first time since 2009—and declines of intergovernmental transfers. On average, spending in the cities remains 1% below pre-recession levels. Average sales taxes grew 8.6%, the highest rate recorded by Pew since starting the report in 2007. Ranges of "Rainy Day funds" varied from 1% (Kansas City) to 28% (Boston), while averaging 22% across the sample. New debt issuances reached a five-year high for the group, with Chicago accounting for 22% of all new issuances. The full report is [available here](#).

Maine Privatizes Welfare-to-Work Program: Maine's Department of Health and Human Services (HHS) agreed to a four-year deal potentially worth \$62 million with New York-based nonprofit FedCap, to run the state's welfare-to-work program (previously known as ASPIRE). The contract is largely incentive-based, tying FedCap's pay to the performance of the nonprofit in placing the state's welfare recipients into jobs. As reported in the September 2016 edition of this newsletter, Maine looked to privatize ASPIRE after poor performance under state

operation led to a \$29-million fine from the federal government. More information is [available here](#).

PPP Ports of Entry Legislation Signed By President Obama : U.S. Rep. Henry Cuellar (D) and Senator Jeff Cornyn (R), both of Texas, introduced legislation allowing greater use of public-private partnerships at U.S. ports of entry as a means to improve efficiency and wait times while minimizing further taxpayer risk. Rep. Cuellar's House version was signed into law by President Obama on December 16th after passing votes in both chambers earlier in the month. The legislation allows the Commissioner on U.S. Customs and Border Protection to enter into contracts with individuals to provide customs, agricultural processing, border security and inspection services. More information is available [here](#) and [here](#).

Connecticut Nonprofits Cite \$1.3 Billion in Savings From Privatization: The Connecticut Community Nonprofit Alliance, a coalition of private nonprofit human service providers in the state, released figures in January claiming \$1.3 billion in savings over the next five years from privatizing many government services in the state, [according to the Connecticut Post](#). Mental health, substance abuse programs and programs for people with developmental disabilities provide the main areas of focus. The state faces a \$1.3 billion shortfall over the next fiscal year, which begins this July.

RFPs Issued for Fargo Moorhead Diversion Project: The Fargo Moorhead Area Diversion Project's Board of Authority sent out a request for proposals to four short-listed consortiums that responded to an earlier request for information—Lake Agassiz Partners (Meridian/Walsh/AECOM), Red River Valley Partners (Fluor/Plenary/Ames/Barnard), Red River Valley Alliance (Acciona/InfraRed/North American Enterprises/Shikun & Binui), and Red River Partners (Graham/Parsons/Alberici/BBGI). As reported in the [August 2016 edition](#) of this newsletter, the \$1.8 billion diversion project—a joint effort between the Army Corps of Engineers and the states of North Dakota and Minnesota to control flooding on the Red River—involves two major components: the construction of a dam, to be handled by the Army Corps of Engineers, and a privately financed and constructed, 1,500-foot-wide diversion channel, which would be paid back over time by the states of North Dakota and Minnesota. The consortia face a fall 2017 deadline for submitting their proposals. More information is [available here](#).

New Ohio Law Allows Private Prisons to House State Inmates: Ohio House Bill 185—originally intended to modify the state's definition of arson, but ultimately modified to include language allowing Ohio state prisoners to be housed in

private prisons—passed the Senate in December and was subsequently signed by Gov. John Kasich. The bill passed the House early in 2016. In March 2015, the federal Bureau of Prisons chose not to renew a contract at a CoreCivic-operated private prison in Youngstown, a facility that supporters of the bill hope to utilize to help overcome the state's prison overcrowding problems. Ohio prisons are operating at 132% of capacity, according to inmate population figures released by the state's Correctional Institution Inspection Committee this May.

MBTA Agrees to New Union Deal, Halting Some Privatization Plans: The Massachusetts Bay Transportation Authority (MBTA) has agreed to the terms of a \$1.5 billion contract with the Carmen's Union Local 589, which represents 6,000 MBTA employees, including many in areas that had been considered for privatization, such as bus drivers and maintenance workers, as recent editions of this newsletter have reported. The deal does not affect cash counting, which Brinks recently took over, and MBTA still could pursue privatization in other areas, such as fare collection, maintenance, warehouse operations and expanded service hours. More information is available here.

NIGP Releases PPP Procurement Guidelines: In November, the National Institute for Government Purchasing (NIGP), a professional organization representing over 15,000 government procurement professionals in North America and abroad, released its guidelines for public procurement through public-private partnerships (PPP). The guidelines rest on 10 elements that guide the entire PPP process, from establishing principles for PPP use and feasibility to negotiation and contract administration. The guidelines are available here.

Tennessee Issues RFP for State Park Facilities: Last month, the Tennessee Department of Environment and Conservation issued a request for proposals seeking private partners to demolish, rebuild and ultimately manage an inn, restaurant and conference center at Fall Creek Falls, the most-visited of all Tennessee state parks. Officials hope that demolition on the estimated \$22 million project can begin late next year, with a target completion date sometime in 2020. More information is available here.

Mass. Supreme Judicial Court Affirms Mental Health Privatization Plan: Last month, Massachusetts' highest court affirmed the State Auditor's approval of privatizing government mental health services in the southeastern portion of the state, citing \$7 million in savings. The local SEIU chapter filed suit to stop the proposal, but the Supreme Judicial Court found that the proposal "comports with the requirements of the Pacheco Law," a longstanding law placing several

procedural hurdles before implementation of state privatization initiatives can proceed. More information is [available here](#).

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QUOTABLE QUOTES

"The Congress and incoming Administration face serious economic, security, and social challenges that will require difficult policy choices in the short term about the level of federal spending and investments as well as ways to obtain needed resources. They also face a government heavily leveraged in debt by historic norms and on an unsustainable long-term path. Decisions over the near term to enhance economic growth and address national policies need to be accompanied by a fiscal plan to put the national government on a more long-term sustainable path. I hope GAO's findings will serve to sound the alarm and spur a longer-term approach to help turn things around."

—Gene Dodaro, Comptroller General of the U.S., "[Press Release: GAO Issues First Annual Report on the Federal Government's Fiscal Health](#)," Government Accountability Office, January 17, 2017.

"We're in an environment where everyone is starting to think about the next downturn and what that's going to look like. A stress test is a tool for states to think about what types of programs they should commit to and how much to save now."

—Moody's Investors Service analyst Emily Raimos, cited in Liz Farmer, "[To Prepare for the Next Recession, States Take Stress Tests](#)", *Governing*, December 12, 2016.

"By definition and design, the A-76 process seeks to compare the costs of public sector versus private sector performance for essentially the same work performed in essentially the same way. Innovation occasionally found its way into the process, but generally only inasmuch as it supported the same operational approach. Yet, today, more so than at any time in the past, there is an opportunity to fundamentally change how work is done at almost every level to improve performance and cut costs. But that opportunity hinges on an organization's

ability to change and evolve, often by adopting new, digitally-driven models."

—Stan Soloway, "[It's Time to Bury A-76-It Worked Once, But Its Day Is Past](#)," *Government Executive*, January 4, 2017.

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Additional Resources:

- [Reason Foundation privatization research archive](#)
 - [Annual Privatization Report 2016 homepage](#)
 - [Innovators in Action homepage](#)
 - [Privatization & Government Reform Newsletter archive](#)
-

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From: ExcelinEd News-
Sent: Friday, January 27, 2017 5:22 PM
To: Rep93
Subject: Open Letter of Support for Betsy DeVos for U.S. Secretary of Education

[View this release online.](#)



January 27, 2017

Open Letter of Support for Betsy DeVos for U.S. Secretary of Education



Share



Tweet



Forward

Tallahassee, Fla. - Today, 72 leaders and organizations, including the Foundation for Excellence in Education, joined the following [open letter](#) to show their support for Betsy DeVos as U.S. Secretary of Education.

Betsy DeVos is an undisputed champion of families and students. For nearly 30 years she has devoted time and resources to improving education options for our nation's children. Yet millions still languish in failing schools in an education system more than a century

old. It's time for a new vision.

Betsy DeVos provides that vision. She embraces innovation, endorses accountability and—most especially—trusts parents to choose what is in their unique child's best interests. She also believes in providing every parent with the resources and choices to pursue those decisions.

On this week, National School Choice Week, we the undersigned endorse this champion of choice and the education reforms needed to improve the future of every child in America. And we strongly advocate for her confirmation as our next U.S. Secretary of Education.

Sincerely,

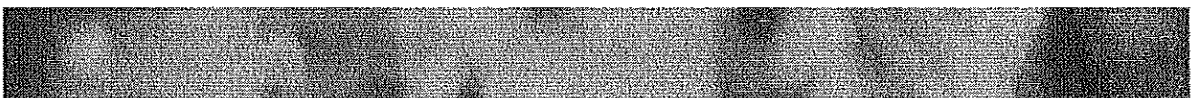
Jeff Atwater, Chief Financial Officer, State of Florida
State Representative Robert Behning, Indiana
State Representative Michael Bileca, Florida
State Representative Buzz Brockway, Georgia
State Representative Wes Cantrell, Georgia
State Representative David Clark, Georgia
State Representative Kim Coleman, Utah
State Representative Manny Diaz, Jr., Florida
Steve Durham, Member, Colorado State Board of Education
Lt. Governor Dan Forest, North Carolina
State Senator Dolores Gresham, Tennessee
State Senator Don Gustavson, Nevada
State Senator Joe Hardy, Nevada
State Senator Owen Hill, Colorado
State Representative Paul Lundeen, Colorado
Pam Mazanec, Member, Colorado State Board of Education
Adam Putnam, Commissioner of Agriculture, State of Florida
State Senator Michael Roberson, Nevada
State Representative Rebecca Roeber, Missouri
State Representative Ed Setzler, Georgia
State Representative Valencia Stovall, Georgia

Agudath Israel of America-Washington Office
Alabama Federation for Children
American Association of Christian Schools
Arizona Federation for Children
Frederick Hess, Resident Scholar and Director of Education Policy Studies, American Enterprise Institute*
American Federation for Children
Americans for Prosperity
Americans for Prosperity-Arizona
Arizona Chamber of Commerce and Industry
Arizona Charter Schools Association
Black Alliance for Educational Options
Business Council of Alabama
CarolinaCAN
Center for Arizona Policy
Children's Education Alliance of Missouri (CEAM)
Civitas-North Carolina
EdChoice
Educate Nebraska
Empower Mississippi
Foundation for Excellence in Education
Florida Charter School Alliance
Florida Coalition of School Board Members
Georgia Charter Schools Association
Great Lakes Education Project (GLEP)
Hispanic CREO
Idaho Charter School Network
Independence Institute
Independent Women's Voice
Institute for Better Education
Institute for Quality Education
Jeffersonian Project
Louisiana Association of Business & Industry
Louisiana Federation for Children
Mackinac Center for Public Policy
Maggie's List

Missouri Education Reform Council (MERC)
National Alliance for Public Charter Schools
Parents for Choice in Education
Parents for Educational Freedom in North Carolina (PEFNC)
Pennsylvania Coalition for Public Charter Schools
Public School Options
Ready Colorado
Reason Foundation
Rio Grande Foundation
SchoolForward
Tennessee Federation for Children
Texans for Education Opportunity
The Center for Education Reform
The Libre Initiative
Thomas B. Fordham Institute
Wisconsin Federation for Children

**Signing as an individual. AEI as the organization does not take a stance on such matters.*

The Foundation for Excellence in Education (ExcellinEd) is a national leader in education reform. ExcellinEd is a hands-on, how-to policy and advocacy organization that designs and promotes model legislation and supports states with technical expertise, policy development and implementation strategies and public outreach.



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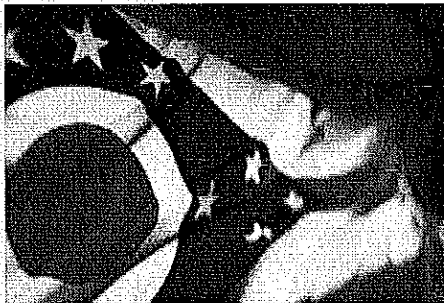
To: Rep93

Subject: (Corrected) Resolved: Keep the FDA Away From My E-Cig (Jan 12, 2017)

Hello ,

You are invited to the following event:

RESOLVED: KEEP THE FDA AWAY FROM MY E-CIG



[Attend Event](#)

Event to be held at the following time,
date, and location:

Thursday, January 12, 2017 from 12:00
PM to 1:30 PM (EST)

The Athletic Club of Columbus

136 East Broad Street
Columbus, OH 43215

[View Map](#)

Share this event:



*(Correction: The body of the previous
invitation misstated the date of the event. This
event will occur on January 12, 2017.)*

Resolved: Keep the FDA Away From My E-Cig

The FDA now regulates e-cigarettes. Should it? Will regulation improve public health? Will it cost American lives? Please join us for a lunchtime debate.

Where: Athletic Club of Columbus

When: High noon on January 12, 2017

Arguing for the Resolution:

Jonathan H. Adler

Johan Verheij Memorial Professor of Law

Case Western Reserve University School of
Law

Arguing Against the Resolution:

Micah Berman

Assistant Professor of Public Health and Law
The Ohio State University Moritz College of
Law

Moderating:

Robert Alt

President and Chief Executive Officer
The Buckeye Institute

The cost is \$20 (\$15 if you already paid Columbus Lawyers Chapter dues for the 2016-2017 program year, and \$5 for students). Lunch is included. R.S.V.P. by *January 10* to guarantee your seat, meal, and pre-printed nametag. Call Ben Flowers at (614) 281-3647 or email ColumbusFedSoc@Gmail.com with any questions. To join or renew your dues for the Columbus Lawyers Chapter, please pay the

dues through the Eventbrite website or bring a check for an additional \$25 payable to the Federalist Society.

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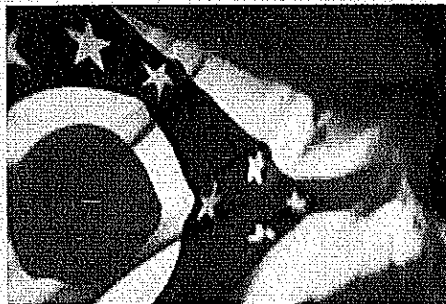
Sent: Wednesday, December 28, 2016 11:02 AM

To: Rep93

Subject: Reminder to Sign up for Resolved: Keep the FDA Away From My E-Cig
(Jan 12, 2017)

You are invited to the following event:

RESOLVED: KEEP THE FDA AWAY FROM MY E-CIG



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date, and location:

Thursday, January 12, 2017 from 12:00
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The Athletic Club of Columbus
136 East Broad Street
Columbus, OH 43215

[View Map](#)

Share this event:



[Attend Event](#)

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The Ohio State University Moritz College of
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Moderating:

Robert Alt

President and Chief Executive Officer
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or email ColumbusFedSoc@Gmail.com with
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dues through the Eventbrite website or bring a

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From: Heartland Institute: John Nothdurft
Sent: Friday, December 30, 2016 2:03 PM
To: Rep93
Subject: The Leaflet - The Top Issues for States in 2017



The Top Issues for States in 2017

With 2016 coming to a close, most state lawmakers are heading back to their state capitols to tackle many important issues. Highlighted below are some of the biggest problems facing the states.

Budget and Tax. States are seeking ways to create a better business climate to attract jobs and businesses. Some states have been passing right-to-work laws, pushing tax reform, and reforming their public-pension systems, while others have increased taxes and regulations. More states are likely to implement work requirements and other welfare reforms to help move people from government dependency to self-sufficiency.

Education Reform. Education outcomes in America continue to lag globally, even though per-pupil spending in the United States is much higher than spending in other nations. Many states have responded by expanding school choice through increased access to charter schools, vouchers, education savings accounts (ESAs), parent-trigger programs, and tax-credit scholarships. Additionally, some states are continuing to fight back against Common Core State Standards and Common Core-related testing mandates, which lower quality and remove important, traditional methods of teaching.

Energy and Environment. The United States has become a leader in energy production, despite efforts made by radical environmentalists to discourage the use of traditional energy sources, such as coal, natural gas, and oil. This is due to several factors, including the development of effective horizontal drilling techniques and the rise of hydraulic fracturing, commonly called fracking. It has also occurred because concerns related to global warming have diminished. With the Clean Power Plan on life support, state lawmakers are much more likely to consider pro-environment, pro-energy, and pro-jobs solutions in 2017.

Health Care. States continue to look at ways to help expand competition and reduce the cost of health care - even with the future of the Affordable Care Act uncertain. Solutions being discussed include using telemedicine, rolling back certificate of need laws, and embracing direct primary care. Nineteen states opted not to expand Medicaid under the Affordable Care Act, and now it is likely additional waivers seeking to fix some of the problems that have plagued the program for years will be approved by the incoming Trump administration.

Constitutional Reform. State elected officials are increasingly concerned by the national government's lack of fiscal discipline. Many are considering the use of Article V of the U.S. Constitution to restore the role of the states and to prevent burdening future generations with ever-greater government debt.

The Heartland Institute's *Ten State Solutions to Emerging Issues* is an informative and concise booklet examining 10 of the most useful public policy solutions to important issues facing the states. The solutions identified are proven reform-ideas that have gained significant momentum among the states and with legislators in recent years.

The Heartland Institute is happy to provide free copies of *Ten State Solutions to Emerging Issues*, send an expert to your state to testify or brief your caucus, help organize an event, or provide additional research on these issues. If you have any questions or comments, please contact John Nothdurft, director of government relations, at John@heartland.org or by calling 312/377-4000.

WHAT WE'RE WORKING ON

Health Care

Research & Commentary: Florida Considering Block Grants for Medicaid

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans discusses Medicaid funding and using block grants to improve funding and program flexibility. Block grants, he writes, modernize Medicaid and give states the flexibility to experiment with their Medicaid programs. Glans also says block grants help states find new and better ways to provide care for the needy. [Read more](#)

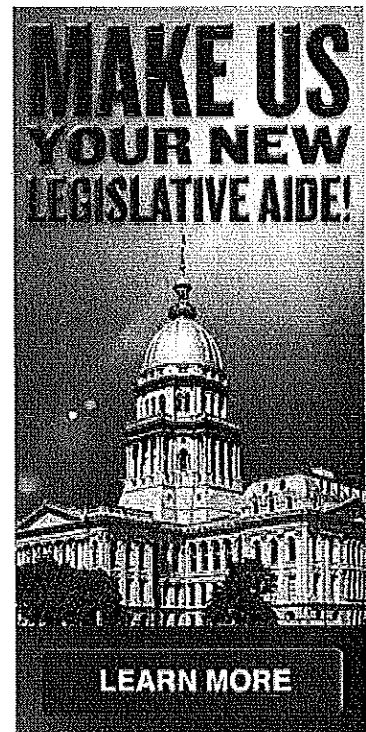
Education

Tax Credit Scholarship Programs Save Taxpayers Billions, Report Finds

In this article for *School Reform News*, Managing Editor Teresa Mull writes about a new report from EdChoice that found publicly funded private school choice programs save taxpayers billions of dollars, because many students leave government schools. The report analyzed the fiscal impact of 10 tax-credit scholarships in seven states - representing 93 percent of all scholarships awarded in tax-credit scholarship programs today - and found these programs generated cumulative net savings worth between \$1.7 billion and \$3.4 billion compared to when they were launched to 2014. This adds up to between \$1,650 and \$3,000 per scholarship issued. [Read more](#)

Energy & Environment

Utah Counties Sue Federal Government to Halt 'Illegal' Coal Leasing Moratorium



POLICY NEWSPAPER

In this article from *Environment & Climate News*, Managing Editor H. Sterling Burnett writes about six Utah counties that are suing the U.S. Department of Interior (DOI) in a federal District Court. The counties are suing to overturn a moratorium on federal coal leases the secretary of the interior issued in January 2016. The six counties party to the lawsuit - Beaver, Carbon, Garfield, Kane, Piute, and San Juan Counties - are asking the court to enjoin the moratorium for violating the Administrative Procedure Act and to award the counties the costs involved in fighting the suit. The counties, which are economically dependent upon coal, claim DOI and the Bureau of Land Management violated the 1969 National Environmental Policy Act by unilaterally issuing the moratorium before carrying out a required pre-moratorium impact statement. [Read more](#)

Budget and Tax

Research & Commentary: Dramatic Gas Tax Hike Won't Help Alaska Maintain Its Roads

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines a budget proposal from Alaska Gov. Bill Walker (I) that includes a doubling of the state's gasoline tax from 8 cents per gallon to 16 cents per gallon on July 1, 2017, which would then increase to 24 cents per gallon on July 1, 2018. Taxes on maritime fuel, aviation gas, and jet fuel would also rise at the same rate. Increasing the tax on the sale of motor fuel, Glans says, increases the cost of transportation, which harms all consumers, including many low-income people. Glans also says it is not appropriate to add the burden of additional taxes or fee increases on households that are already cash-strapped. He recommends Alaska legislators instead explore more modern and efficient ways to fund road construction and traffic infrastructure, such as privatizing roads and establishing toll systems. [Read more](#)

From Our Free-Market Friends

Texas Public Policy Foundation Releases: Restoring Liberty through the States—and the People

The Texas Public Policy Foundation (TPPF) has released *Restoring Liberty Through the States and the People*, a "road map for America to re-center federal governance on only constitutionally enumerated powers." TPPF says restoring states' rights will "maximize liberty and prosperity." "The principles of liberty, personal responsibility and free enterprise that have guided Texas to levels of unprecedented prosperity underscore our commitment at the Texas Public Policy Foundation to provide a similar vision for national leaders," said Brooke Rollins, president and CEO of TPPF. "That is why we are pleased to release *Restoring Liberty through the*




Health Care News reports on a U.S. Department of Health and Human Services memo signaling the agency's willingness to pay off insurers suffering under the Affordable Care Act by redirecting monies in a special reserved Treasury Department fund. Nathan Nascimento, a senior policy advisor at Freedom Partners, said, "This is a transparent attempt to manipulate the justice system to force taxpayers to bail out another failed Obamacare program."

Budget & Tax News

Environment & Climate News

School Reform News

States—in which we offer solutions to re-center the discussion on our greatest assets: the people and the states that make up our great nation.” [Read more](#)

	Heartland Institute	Our Websites
	The Heartland Institute is a 32-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.	The Heartland Institute PolicyBot The Freedom Pub The Parent Trigger Climate Conference

This message was sent to rep93@ohiohouse.gov from:

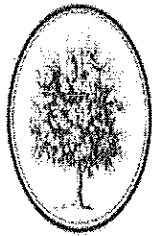
Heartland Institute: John Nothdurft | jnothdurft@heartland.org | Diane Bast | 3939
North Wilke Road | Arlington Heights, IL 60004

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From: The Buckeye Institute
Sent: Saturday, December 31, 2016 11:36 AM
To: Rep93
Subject: Between two Fiesta Bowls--Message from Robert Alt



THE BUCKEYE INSTITUTE

Dear Friends,

As I prepare to cheer our Buckeyes on to victory tonight, I have been reflecting on the year gone by. It struck me that January 1, 2016, and December 31, 2016, share common Fiesta Bowls featuring our beloved Buckeyes. Didn't we already win this game for 2016? To quote Yogi Berra, "It's déjà vu all over again."

The Buckeye Institute has racked up a significant string of policy victories since 2016's 1st Fiesta Bowl--victories that expand liberty in Ohio and beyond. Here are a few highlights:

- **Occupational Licensing:** Should Ohioans be forced to spend 300 extra hours of training in order to become a salon manager? Of course not. This is just one of the more than 30 counterproductive occupational licensing requirements Buckeye lead the charge in throwing on the ash heap of history. Our research highlighted this problem. Ohio was the only state in the nation with this onerous regulation when the 1st Fiesta Bowl of 2016 happened. It is now gone! Policymakers took note of our work and eliminated the manager's license requirement in 2016, specifically praising Buckeye's research for leading the way to reform.

- **Civil Asset Forfeiture:** Buckeye launched an educational campaign on the need for civil asset forfeiture reform to assure that the government could not continue to seize your property without convicting of you of a crime. This is basic common sense. When this reform passed earlier this month, policymakers once again publicly acknowledged Buckeye's work as instrumental to reforming the policy.
- **Charity Care:** Rather than government mandates, how about making it easier for medical professionals to donate their services to help those in need? Buckeye proposed policy changes that would encourage charity work by medical professionals by giving them continuing education credits for doing so. In a win for all Ohioans, policymakers enacted these reforms earlier this month.

These are just a few highlights of our significant accomplishments since the last Fiesta Bowl, but none of them--not one--would have been possible without you, our dear supporters.

Because of you, The Buckeye Institute had our most successful year in its 27-year history. And we're only just getting started.

2017 year promises to be even better, but we'll need your help once again. Buckeye will continue to lead the way to greater freedom and prosperity in Ohio and all the states through innovation on topics like budget policy, healthcare, energy, and criminal justice issues.

We can't do it without you. We don't solicit or accept government grants or any other taxpayer funding. We believe in the goodness of Americans in supporting our cause. We need your investment to continue doing our vital work, and we have big plans for next year. We can't wait to tell you about them soon.

There is still time left to make a gift to Buckeye in 2016. If you give to Buckeye before the clock strikes midnight, you will get both the satisfaction of knowing that you are making a real difference in helping good public policy win, and you will also enjoy that true inner peace that comes from getting the maximum tax deduction the law allows while this politically-charged IRS wishes you couldn't. (I have a familiar and catchy phrase for Lois Lerner's team who targeted Buckeye to shut us

down or at least shut us up back in 2013: so long, farewell, auf
wiedersehen, goodbye....)

A 2nd Fiesta Bowl victory approximately 12 hours from now will be the icing on the cake of Buckeye's best year yet. Although I can't guarantee the outcome of the game this evening (I'm optimistic, though, that if we throw the ball well that we'll be fine), I can promise you that we will use your donation to fight tirelessly for freedom and prosperity until the *next* Fiesta Bowl and beyond.

Thank you once again for your generous support for The Buckeye Institute. We are humbled, grateful, and inspired. We love this work and love having you partner with us to make it happen.

Happy New Year, and Go Bucks!

Sincerely,



Robert Alt
President & CEO
The Buckeye Institute

Donate Now

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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Sent by [info@buckeyeinstitute.org](#)

From: FHamilton=heritageohio.org@mail.salsalabs.net on behalf of Frances Jo Hamilton [FHamilton@heritageohio.org]
Sent: Monday, January 2, 2017 3:41 PM
To: Rep93
Subject: Revitalization News - 01.02.17



**HERITAGE
OHIO**

Vital Places. Vibrant Communities.

E-NEWS

REVITALIZATION ISSUE

Revitalization News

Understanding Growth, Part 1

"We have become over-obsessed with the idea of growth. We are not exactly sure what we are growing toward, but we compensate for this shortcoming by accelerating."-Tomas Sedlacek in Economics of Good and Evil

My hometown of Brainerd, MN, is millions of dollars in debt. We're one of the poorest cities in the state and are perpetually among the highest in unemployment. More of our budget comes from aid from the state than we raise locally through property taxes. We have untold obligations we cannot meet, from building repairs to road maintenance, and we've laid off our fire fighters and many of our police officers. Yet, despite our fragile and nearly desperate financial state, we are about to borrow another \$10.7 million for a sewer and water expansion project we don't really need. Why would we do such a thing? The one word answer: growth. [Read More](#)

Entrepreneurial Ecosystems and the Role of Commercial Districts

In our modern economy, shifting demographics, changes in consumer shopping, and transitions within our local, regional, and national economies have significant implications for the development and growth of entrepreneurs themselves, as well as downtowns and commercial districts on the whole. In effort to adapt to these new norms, Main Street professionals are positioned to play unique and crucial roles in supporting innovative entrepreneurship as part of sustainable, robust local economies. [Read More](#)

Learning Opportunities

Atlas of ReUrbanism

As the National Trust's ReUrbanism initiative seeks to build the successful, inclusive, and resilient cities of tomorrow, the Atlas of ReUrbanism is a tool for urban leaders and advocates to better understand and leverage the opportunities that exist in American cities.

The Atlas of ReUrbanism takes the massive amount of data currently available about cities and makes it more accessible, allowing for the exploration and discovery of connections between older buildings and economic, demographic, environmental measures. Whether you're an activist, journalist, developer, or resident, the Atlas of ReUrbanism contains detailed information about the businesses and residents, buildings and blocks that make cities work for everyone. [Read More](#)

Vancouver Plants a Pollinator Park

Hundreds of Vancouver residents helped plant mints, sages, asters, and other bee- and butterfly-friendly varieties at a new pollinator park on the Canadian city's West Side over the weekend, CBC News reports.

The \$215,000 park, which is a third of an acre, is part of a long-term plan to redevelop an entire block. With 1,500 flowering plants, it will support biodiversity — a priority of the Vancouver Park Board — and serve as a demonstration space for sustainable practices. There's a cistern to capture rainwater, and wildflowers where grass might typically be planted. [Learn More](#)

Heritage Ohio News

Join us January 4 at 1pm as Heritage Ohio staff share their Top 10 lists when it comes to preservation & revitalization

Save January 4, 1pm, on your calendar now for Heritage Ohio's first webinar of 2017. We're ringing in 2017 with a nostalgic look back in the form of staff Top 10 lists (these could be Top 10 highlights *or* lowlights) from the world of preservation & revitalization. Stay tuned to our [website](#) for registration information. We hope you'll plan to join us.

Thank you to Heritage Ohio members who make our work possible! Free Heritage Ohio webinars are a benefit of membership. If you're not a member yet, [join us here](#).

Funding Opportunities and Awards

NEA Challenge America Grant Program

The National Endowment for the Arts' Challenge America grant offers support primarily to small and mid-sized organizations for projects that extend the reach of the arts to underserved populations — those whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability. Grants are available for professional arts programming and for projects that emphasize the potential of the arts in community development. Applications due April 13, 2017. [Learn More and Apply](#)

Communities Get Environmental, Economic Development Help From EPA

The U.S. Environmental Protection Agency (EPA) will provide 25 communities in 19 states with technical assistance to pursue development strategies that advance clean air, clean water, economic development and other local goals. EPA selected the communities from among 76 applicants to the Building Blocks for Sustainable Communities program. In 2017, EPA staff and national experts will conduct one- to

two-day workshops to help the communities address development-oriented issues. [Learn More](#)

Ohio Main Street Events

Main Street Mt. Vernon: Second Saturday, January 14, 2017, [Read More](#)

Marietta Main Street: First Friday, January 6, 2017, [Read More](#)



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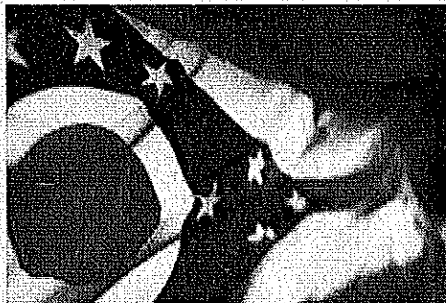
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From: Columbus Lawyers Chapter of the Federalist Society
Sent: Wednesday, January 4, 2017 6:02 PM
To: Rep93
Subject: Sign Up for The Federalist Society's January Event!

You are invited to the following event:

RESOLVED: KEEP THE FDA AWAY FROM MY E-CIG



Event to be held at the following time,
date, and location:

Thursday, January 12, 2017 from 12:00
PM to 1:30 PM (EST)

The Athletic Club of Columbus
136 East Broad Street
Columbus, OH 43215

[View Map](#)

Share this event:



[Attend Event](#)

Resolved: Keep the FDA Away From My E-Cig

But nothing could top that fall night in 1994. While staying at Blair House—the guest residence for visiting foreign dignitaries across Pennsylvania Avenue from the White House—Yeltsin slipped past his security, stumbled down the stairs and stepped onto the street. "Pizza! Pizza!" he blurted at the Secret Service agents who intercepted him. (There are two versions of the story: In one that Clinton himself told to a biographer, Yeltsin is on the street; in another, he's stopped before he makes it out the door.)

The next day, Clinton and Yeltsin had a long and friendly meeting. Their fates were connected: Clinton wanted a friendly and stable Russia as a foreign policy success story. Yeltsin needed American money to avoid a total economic collapse. When Clinton raised plans to expand the NATO alliance into eastern Europe, Yeltsin didn't object. The men even agreed that Russia itself might one day join NATO—a concept that seems downright ludicrous today, as Putin threatens the alliance with nuclear exercises. At a press conference afterwards, the two men clowned around. Yeltsin was in an antic state that one White House aide dubbed "high jabberwocky," while Clinton himself doubled over with laughter at his Russian friend's playfulness.

Looking back today, the scene is infused with almost unbelievable optimism: the idea that the U.S. and Russia could be military allies, with one helping the other to grow an open and truly democratic society.

[http://www.politico.com/magazine/story/2016/12/russia-putin-hack-dnc-clinton-election-2016-cold-war-214532?](http://www.politico.com/magazine/story/2016/12/russia-putin-hack-dnc-clinton-election-2016-cold-war-214532?hpid=hp-top-story-table-main_russia%3Ahomepage_2pm)

Help Trump/Pence: Jobs, Appointments and Opportunities

If you are interested in serving in the Trump/Pence Administration, here is your first step. Fill out the application, mark your areas of interest...and then start following the process. Good luck.

<https://apply.ptt.gov/>

Need to know what's available...check the government's "Plum Book"...you can download it here.

<https://www.gpo.gov/fdsys/pkg/GPO-PLUMBOOK-2012/content-detail.html>

Saul's Newsstand – a FRESH look at the news

That's right...if you want you political news up to date and fast...check out Saul's Newsstand...online, on Facebook or our Mobile App!!!

Check it out...I bet you'll like it!?! All your political news in one spot!

Yes, change is in the air...and still FREE!

After over 10 years of compiling and sharing what I hope are interesting news stories, commentary and information to help folks politically engage, I'm moving to a new format and name.

My "Weekly Musing" will now be called "Saul's Newsstand - Weekly Review"

My blog post "That's Saul Folks" will now feature breaking news, gossip and prediction...available daily online...NOT a daily email...but as a feature of the Newsstand.

Saul's Newsstand will also add a "Quote of the Day" feature where I will share quotes I find inspirational, interesting, funny...or timely.

ALL of the above will be available online, on your mobile with a web friendly webpage and via a mobile app for Windows, Apple and Android phones.

We are also adding an email subscription where if you want to receive "breaking news" tips, gossip or predictions as they happen...we'll email them out to you periodically...not daily, not weekly...just when I think it's important enough for you to get an email notice.

ALL of this has been FREE and will remain FREE. I'm hooked, I love it and I normally get a few notes a week thanking me for my efforts and information.

However, in order to help pay for my hosting, email and development costs, I'm going to start putting advertising on the webpage and mobile app. Still FREE to you...but your "clicks" drive advertising revenue to us...and that is much appreciated and really helps.

www.saulsnewsstand.com

So make Saul's Newsstand your homepage. Every day...throughout the day...I'll be updating the Newsstand with the latest political news, gossip, information and an inspirational quote of the day. All for FREE.

I hope this becomes a mini-DRUDGE REPORT like site, but without all the distractions of stories about movie stars, pop culture and other things. Saul's Newsstand is going to be STRICTLY politics. Clean, informative, timely and easy to use.

Please share the Newsstand with your friends. Make it your homepage if you want a great "one stop shopping spot" for your political news from a conservative perspective. Please "click" on one of the ads once a day.

And come back often. The Newsstand will be updated constantly throughout the day with the latest stories. I plan on updated it a minimum of 4 times a day by design...and then throughout the day as interesting stories of interest pop up.

Please SHARE with your friends and send me your comments and tips.

www.saulsnewsstand.com

Stay In Touch...Feel Free to Share

My goal is for this to be a weekly political update...sharing political news and analysis that should be of interest to most activists.

Please share.

Feel free to follow me on Twitter and/or Facebook.

On Facebook at:

<http://www.facebook.com/saulanuzis>

I'm changing up my Facebook pages to better reflect my friends and family's interests.

Political & News Page will be:

<https://www.facebook.com/SaulAnuzis/>

News ONLY will go to Saul's Newsstand (my new venture):

<https://www.facebook.com/saulsnewsstand/>

My personal/family page will remain:

<https://www.facebook.com/sanuzis>

I hope this helps folks follow what they want and not force my friends and family to see EVERYTHING I post daily:) My personal/family page will remain:

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On Twitter at:

@sanuzis

My blog "That's Saul Folks" with Saul's Newsstand & more:

www.saulsnewsstand.comn

Thanks again for all you do!



SAUL'S NEWSSTAND

More political news, faster. Curated by Saul Anuzis

Make Saul's Newsstand your Homepage!!!

It's easy, it's ALL the political news you need in one spot and it's
FREE!

Sent to: rep93@ohiohouse.gov

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Saul Anuzis, 5 Locust Lane, Lansing, MI 48911, USA

From: Columbus Lawyers Chapter of the Federalist Society

Sent: Monday, December 19, 2016 11:01 AM

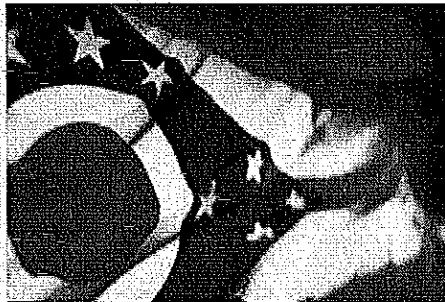
To: Rep93

Subject: You're invited to Resolved: Keep the FDA Away From My E-Cig (Jan 12, 2017)

Hello ,

You are invited to the following event:

RESOLVED: KEEP THE FDA AWAY FROM MY E-CIG



Event to be held at the following time,
date, and location:

Thursday, January 12, 2017 from 12:00
PM to 1:30 PM (EST)

The Athletic Club of Columbus
136 East Broad Street
Columbus, OH 43215

[Attend Event](#)

[View Map](#)

Share this event:



Resolved: Keep the FDA Away From My E-Cig

The FDA now regulates e-cigarettes. Should it? Will regulation improve public health? Will it cost American lives? Please join us for a lunchtime debate.

Where: Athletic Club of Columbus

When: High noon on January 17, 2017

Arguing for the Resolution:

Jonathan H. Adler

Johan Verheij Memorial Professor of Law

Case Western Reserve University School of
Law

Arguing Against the Resolution:

Micah Berman

Assistant Professor of Public Health and Law
The Ohio State University Moritz College of
Law

Moderating:

Robert Alt

President and Chief Executive Officer
The Buckeye Institute

The cost is \$20 (\$15 if you already paid Columbus Lawyers Chapter dues for the 2016-2017 program year, and \$5 for students). Lunch is included. R.S.V.P. by *January 10* to guarantee your seat, meal, and pre-printed nametag. Call Ben Flowers at (614) 281-3647 or email ColumbusFedSoc@Gmail.com with any questions. To join or renew your dues for the Columbus Lawyers Chapter, please pay the dues through the Eventbrite website or bring a

check for an additional \$25 payable to the
Federalist Society.

This invitation was sent to rep93@ohiohouse.gov by [Columbus Lawyers](#)
[Chapter of the Federalist Society](#) the organizer. To stop receiving invitations
from this organizer, you can [unsubscribe](#).

*Event ticketing and online
registration by*

Eventbrite

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